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## Impact of Land Reforms on Agrarian Structure and Agricultural Growth in Uttar Pradesh

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# Impact of Land Reforms on Agrarian Structure and Agricultural Growth in Uttar Pradesh

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## Introduction

Right from the beginning of the efforts at planned economic development land reforms were assigned a high priority with a view to removing obstacles in the transformation of agriculture imposed by the exploitative and defective land tenure system in the country and to create a more egalitarian rural society. However, land reforms in the country have remained content with the objective of the creation of individual proprietary rights and granting of security of tenure to the actual tiller of the land and did not attempt any basic transformation of the agrarian relations on socialist lines. Even in the limited objectives which the political leadership set before itself the success attained has fallen much short of expectations. Over the years the political commitment to land reforms has weakened considerably.

The success of the land reform measures and their impact on the rural economy has also varied from state to state. In the present paper we have attempted an overview of land reforms in U.P. and made an assessment of their impact on the agrarian structure and agricultural growth in the state. We have also tried to examine the implications of changes in the agrarian structure on future agricultural growth.

## Land Reforms in Uttar Pradesh

U.P., which had seen the political mobilisation of the peasantry during the Independence struggle on a large scale, was among the more progressive states of the country during the first phase of land reforms initiated after Independence. In this phase land reforms in the state aimed at the abolition of all forms of intermediary land rights with a view to giving land to the tiller. In the second phase, attention was focused on the consolidation of the fragmented holdings. The next phase aimed at a more equitable distribution of land through two rounds of land ceiling legislation.

Reorganisation of agriculture on cooperative lines was never given a

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serious thought. Cooperative farming societies which did come into existence were more often than nought an attempt by the large landowners to circumvent the land ceiling legislation and to get various concessions from the government. This is clearly reflected in the jump in the number of cooperative farming societies from 387 in 1960-61 to 1359 in 1965-66, when the first round of ceiling legislation was implemented. Growth of cooperative farming societies stagnated thereafter and is reported to be 1502 in 1988-89 with a membership of 33,063 and area of 139,348 ha.

#### Tenurial Reforms

The U.P. Zamindari Abolition and Land Reforms Act, 1951, which was one of the most progressive measures of land reforms introduced in the country, abolished all intermediary rights in land and brought the actual tiller of the soil in direct contact with the state. The Act substituted the bewildering variety of land rights prevalent in the state by a new and simplified tenure system, which recognised two major types of land rights, namely, *bhumidari* and *sirdari*. While both the land rights were permanent and heritable, the latter right is constrained by restrictions on transfer and use of land, while carrying higher revenue charges. A *sirdar* could, however, acquire *bhumidari* rights on payment of 10 times the rent. In 1977 complete uniformity of land tenures was created in the state when all *sirdars* were conferred *bhumidari* rights by the government.

The U.P. Zamindari Abolition and Land Reforms Act 1951 reduced the bewildering variety of land rights from 40 to 4 categories, removed a large parasitic class of intermediaries and by conferring permanent and heritable rights on the tiller of the land removed the motivational hurdle for raising agricultural productivity.<sup>1</sup>

Though the impact of *zamindari* abolition on agricultural production in the state is difficult to assess, it can be safely said that the land tenure system based on peasant proprietorship that was created by the Act removed the disincentive for investment in agriculture and provided the necessary precondition for agricultural growth in the state. Thus, area irrigated by tubewells in the state nearly doubled within a decade rising from 2.76 lakh ha. in 1950-51 to 5.43 lakh ha. in 1960-61. The positive impact of the land reforms on agricultural growth in U.P. is also reflected by the fact that the average yield of the major crops which had maintained a downward trend in the decades preceding 1951 showed a clear jump in the decade 1951-61 as can be seen from Table 1. Foodgrains output in the decade in U.P. registered a growth of 23.0 per cent and foodgrain yield of 14.7 per cent (Table 2).

The peaceful and swift abolition of the vested interests of over 2 million zamindars was no mean achievement by any standard. However, a serious lacuna that remained in the tenurial structure of the state was the continuation of the practice of sub-letting, which was legally barred except in certain

TABLE 1  
Per Acre Yield of Major Crops in U.P., 1931-61

Year	Rice	Wheat	Sugarcane
1931	7.07	9.55	26.82
1941	6.27	8.66	30.00
1951	4.76	8.56	30.22
1961	8.05	9.95	39.23

Source: R.S. Mathur, *Dynamics of Labour Force*, Yash Publishers, Lucknow, 1991, p. 74

TABLE 2  
Indicators of Agricultural Development in U.P., 1950-51 to 1988-89

Year	Foodgrains Output in lakh tonnes	Foodgrains Yield in qtls./ha.	Net Irrigated Area in '000 ha.	Fertilizer Consumption in lakh tonnes
1950-51	117.8	6.9	4840	N.A.
1955-56	120.6 (2.4)	6.7 (-2.9)	4952 (2.3)	0.20
1960-61	144.9 (20.1)	7.9 (+17.9)	5024 (1.5)	0.30 (30.0)
1965-66	152.5 (5.2)*	8.4 (+6.3)*	5875 (16.9)	0.93 (210.0)
1970-71	194.7 (27.7)	10.0 (+19.0)	7218 (22.9)	4.11 (341.9)
1975-76	194.6 (-0.1)	10.3 (3.0)	7933 (9.9)	4.87 (18.5)
1980-81	249.5 (28.2)	12.2 (18.4)	9453 (19.2)	11.51 (136.3)
1985-86	314.3 (26.0)	15.2 (24.6)	10132 (7.2)	19.72 (71.3)
1988-89	354.9 (12.9)	17.4 (14.5)	10043 (-0.9)	21.36 (8.3)

Notes : 1. \* for 1964-65

2. Figures in brackets show per cent change over the previous period

Source : Complied from *Bulletin of Agricultural Statistics, U.P.*, (Annual).

specific circumstances, in the garb of share cropping.<sup>2</sup> The share croppers usually bear the entire cost of cultivation and pay as much as half of the produce as rent, while they are not allowed to remain on the same land for any length of time.<sup>3</sup>

The NSS rounds reveal a moderate level of leasing in the state, though there are considerable interregional variations in the extent of leasing.<sup>4</sup> Thus, in 1971-72 the proportion of households leasing in land varied from 13.67 per cent in the Western Region to as much as 57.13 per cent in the Himalayan Region and the proportion of area leased in varied from 10.15 per cent in the Eastern Region to 19.71 per cent in the Western Region (Table 3). The variation in leasing operation among regions seems related to the extent of agricultural development as well as demographic pressure.

TABLE 3  
Region-wise Extent of Leasing in U.P., 1971-72

Region	Per cent of Households Leasing in Land	Per cent of Operated Area Leased in
Himalayan Region	57.13	19.71
Western Region	13.67	12.71
Central Region	28.96	15.18
Eastern Region	27.08	10.15
Southern Region	19.61	16.38
Uttar Pradesh	25.01	13.90

Source: NSS, Twenty Sixth Round, 1971-72, Report No. 215

Looking at changes in leasing over the years, we observe that the pattern of leasing across different size classes remained more or less unchanged over the period 1953-54 and 1971-72. However, between 1971-72 and 1982 we find a sharp decline in the proportion of leased in land in case of sub-marginal and marginal holdings accompanied by a sharp rise in the area leased in case of large holdings (Table 4). To some extent decline in the proportion of leased in area in case of sub-marginal (below 1.0 acres) and marginal holdings (1.0-2.5 acres) and the corresponding increase in the proportion of owned area reflects the impact of the land redistribution programme undertaken in the seventies under which 2.36 lakh acres were distributed till September 1982.<sup>5</sup> At the same time it reflects the practice of tenancy which has been strengthened in the wake of the green revolution.

In fact one observes a distinct decline in the proportion of marginal holding in total households leasing in as well as in area leased between 1971-72 and 1982. Sub-marginal holdings account for nearly a fourth of the holdings reporting leasing out of land.

TABLE 4

Per cent of Area Leased in to Operated Area By Size Categories in  
Uttar Pradesh

Size	Category	1953-54	1971-72	1982
1.	Sub-Marginal Holdings (Upto 1.0 Acre)	22.3	21.2	11.2
2.	Marginal Holdings (1.0-2.5 Acres)	18.2	18.3	12.7
3.	Small Holdings (2.5-5.0 Acres)	16.3	14.9	13.0
4.	Medium Holdings (5.0-15.0 Acres)	9.8	11.7	10.5
5.	Large Holdings (Above 15.0 Acres)	7.2	8.1	13.5
All Categories		11.3	13.0	12.0

Source: NSS Rounds

## Consolidation of Holdings

Another reform of major importance for agricultural development undertaken in U.P. was the consolidation of fragmented holdings, which existed in an acute form in the state.<sup>6</sup> Though the history of land consolidation in U.P. goes back to 1918-19 when consolidation was introduced on a cooperative basis, work on consolidation picked up only after the passing of the *U.P. Consolidation of Holdings Act, 1953*, which provided for compulsory consolidation. Plan-wise progress of consolidation in U.P. has been shown in Table 5. By the end of the Third Five Year Plan nearly 67.43 lakh hectares had been consolidated. By the end of the Fifth Five Year Plan the target of 146 lakh hectares, which were expected to be covered by the consolidation measures, had been nearly achieved. Since the Sixth Five Year Plan a second round of consolidation has also been taken up in selected tehsils.

Though not devoid of malpractices, consolidation of holdings has been one of the most successful programmes of land reform which has made investment on land more viable and profitable and has contributed to increased agricultural production. This has been brought out by a number of

TABLE 5  
Progress of Consolidation of Holdings in U.P.

Period	Area Consolidated (in lakh hectares)	Cumulative Achievement (In lakh hectares)
First Five Year Plan	0.76	0.76
Second Five Year Plan	21.06	21.82
Third Five Year Plan	45.61	67.43
Annual Plans	21.53	88.96
Fourth Five Year Plan	26.38	115.34
Fifth Five Year Plan	22.74	138.08
Sixth Five Year Plan	21.80	159.88
Seventh Five Year Plan (Till 1988-89)	13.07	172.95

Source: Compiled from *Plan Documents*, U.P. Government

studies. Initially the programme was undertaken in the western districts of the state, which have been agriculturally more progressive. The coverage of eastern districts was extended in the subsequent years. Consolidation of holdings is among the important factors which have contributed to the dynamism of agriculture in eastern U.P., visible since the early seventies. Thus, the growth rate of agricultural output in this region jumped from 2.02 per cent per annum in the period 1950-53 to 1963-66 to 2.58 per cent per annum in the period 1963-66 to 1976-79 and further to 3.48 per cent per annum in the period 1968-71 to 1983-86.

#### Land Redistribution Programme

While one can look at with some degree of satisfaction at the first phase of land reforms which aimed at the abolition of the parasitic intermediary land interests, the performance of U.P. state in the second round of land reforms which aimed at a more equitable distribution of land, has been by and large depressing as in other parts of the country. As we have argued elsewhere: "The success of the first phase in a way was responsible for the failure of the second stage of land reforms. The old zamindars, who were allowed to retain large tracts under *sir* and *khudkasht* for self cultivation, emerged as rich farmers and retained their political and economic clout not

only dominating the rural society and cornering the benefits of the developmental programmes, but also occupying seats in the state legislatures and the Parliament in sizeable numbers. Their vested interest in land had become stronger with growing commercialisation of agriculture, which had become a profitable economic activity.<sup>18</sup>

As a result, while land ceiling laws were passed for their populist appeal, enough loopholes were left in them both at the legislation and implementation stage to make them almost self-defeating. The fate of the two rounds of land ceiling legislations in U.P. is an ample testimony to this.<sup>9</sup>

*The U.P. Imposition of Ceilings of Land Holding Act, 1960* provided for a ceiling of 40 acres of 'fair quality land' for a family. For a family of more than 5 members 8 acres of land were allowed for every additional member subject to a ceiling of 64 acres. Not only the Act provided a fairly liberal ceiling, it allowed for a large number of exemptions. Full advantage was taken by the landlords of the various loopholes in the Act and a large number of fictitious transfers took place defeating the main purpose of the Act. No wonder that till 1973 only 2,32,000 acres of land could be declared surplus against about 4 lakh acres of expected surplus.

*The U.P. Land Ceiling (Amendment) Act, 1972* reduced the ceiling to 7.30 hectares of irrigated land taking the family of a tenure holder excluding major sons as unit. In addition 2 hectares for each additional member of a family with more than 5 members were allowed subject to a maximum of 6 hectares. The amended Act ended some of the exemptions granted earlier such as for grove land but retained many of the exemptions and added exemption for land held by student farms. The impact of the Act was further diluted by the fact that while the decision to lower the ceiling was announced on 24th February 1970, the revised Act recognised transfers of land made prior to 24 January 1971 as valid.

Defective as the revised ceiling legislation was, its tardy implementation in face of stiff opposition by the landlords rendered it a practically ineffective measure of agrarian change. The affected landlords fought pitched and prolonged legal battles right from the court of the prescribed authority to the Supreme Court. Nearly 90 per cent of the persons to whom notices were issued filed objections. Still there are 5,987 cases pending at different levels involving an area of 120,858 acres (Table 6).

The progress of land ceiling programme in U.P. has been shown in Table 6. Till September 1991 only 334,189 acres could be declared surplus out of the expected surplus land of 800,985 acres. Possession could be taken of only 303,272 acres out of which 39,596 acres or 13 per cent of area were found unfit for cultivation. In nearly two decades only 219,668 acres of land has been distributed to 239,850 landless labourers in the state.

TABLE 6

Progress of Ceiling Operations Under Revised Ceiling Act in Uttar Pradesh  
as on 31-9-1991

Item	Area in Acres
1. No. of Notices Issued	66,829
2. Area Proposed to be Acquired	8,00,985
3. No. of Notices Against which objections filed	58,935
4. No. of Cases Pending at Different Levels	5,987
5. Area involved in Pending Cases	1,29,853
6. Land Declared Surplus	3,34,189
7. Declared Land Surplus over which State Government has taken Possession	3,03,272
8. Surplus Land Allotted :	
(a) Number of Allottees	2,39,850
(b) Area Allotted	2,19,668
9. Area Unfit for Cultivation Vested in Gaon Sabha	39,596
10. Land Transferred to Govt. Departments	8,971
11. Total Area of Settled Land	2,74,494
12. Area of Land Balance of Settlement	28,778

Source : *Board of Revenue, U.P.*

The limited impact of the land redistribution programme in U.P. can be judged from the fact that hardly 0.5 per cent of the operated area in the State could be redistributed so far among only 4.6 per cent of the 52 lakh agricultural labourers in the state. Even the limited number of beneficiaries to whom the surplus land was distributed could not gain much from it due to the small size and poor quality of lands distributed as well as lack of adequate resources to bring the land under cultivation. In a recent survey of 32 land-allottees in 5 villages of Sultanpur district we found that 25 per cent allottees were not able to get physical possession and only one-third of the allottees with physical possession of land were found to be cultivating the allotted land.<sup>10</sup>

### Changes in Land Distribution Pattern

As we have seen above, the total area involved in the land redistribution programme was too small to have a significant impact on the structure of land holding in the state. However, the threat of land ceilings has had an indirect impact on land distribution pattern as it led to large scale transfer of land in the names of relatives, friends, servants, etc. A close look at the changes in the land distribution pattern over time tends to support this hypothesis. Thus, we find that the rate of change in the land distribution pattern was much more pronounced during the decade 1961-71, which saw a sharp decline in the share of medium and large holdings in the number of households as well as in area owned accompanied by a sharp increase in the share of marginal holdings in the number of households as well as

TABLE 7

Changes in the Distribution of Ownership Holding in U.P. between 1953-54 and 1981-82

Size Category (Hectares)	1953-54	1961-62	1971-72	1981-82	% Change 1981-82 over 1953-54
<i>A. Percent of Households</i>					
1. Marginal (Upto 1.0)	60.0	60.0 (+0.0)	65.6 (+9.3)	68.0 (+3.7)	+13.3
2. Small (1.0 to 2.0)	18.4	19.2 (+4.3)	18.6 (-3.1)	17.4 (-6.3)	-5.4
3. Semi-Medium (2.0 to 4.0)	14.3	13.6 (-4.9)	10.8 (-20.6)	10.2 (-5.6)	-28.7
4. Medium & Large (Above 4.0)	7.3	7.2 (-1.4)	5.0 (-30.6)	4.4 (-12.0)	-39.7
<i>B. Per cent of Area</i>					
1. Marginal (Upto 1.0)	12.5	12.8 (+2.4)	17.5 (+36.7)	19.4 (+10.9)	+55.2
2. Small (1.0 to 2.0)	18.9	20.3 (+7.4)	24.7 (+21.7)	24.4 (-1.2)	+29.1
3. Semi-Medium (2.0 to 4.0)	29.6	27.9 (-5.7)	27.9 (+0.0)	28.5 (+0.4)	-3.7
4. Medium & Large (Above 4.0)	39.0	39.0 (+0.0)	29.9 (-23.3)	27.7 (-7.4)	-29.0

*Note :* Figures in parentheses show per cent change over previous period.

*Source :* Calculated from NSS 8th, 17th, 26th and 37th Rounds.

area owned. The land distribution pattern for 1961 and 1981 does not reveal such pronounced changes over the previous period. Thus much of the change in land distribution pattern observed between 1961-71 is more apparent than real. The Gini coefficient, in fact, shows a slight increase from 0.606 in 1961-62 to 0.6075 in 1971-72 and further to 0.6114 in 1982.

#### AGRARIAN STRUCTURE AND AGRICULTURAL DEVELOPMENT

Though the impact of land reforms on agrarian structure in the state was minimal, one observes a gradual shift in area in favour of marginal and small holdings mainly due to increasing population pressure and splitting up of holdings among family members. According to NSS data the share of these two categories in area owned has gone up from 31.4 per cent in 1953-54 to 43.8 per cent in 1982.

According to the Agriculture Census, 1980-81, the average size of operational holding has shrunk to 1.01 hectare. In as many as 27 districts the figure is below this. Marginal and small holdings accounted for 48.3 per cent of the operated area in U.P. in 1980-81. The alarming extent of the process of marginalization of the holdings in the state is evidenced by the fact that in 31 districts the share of marginal and small holdings in operated area exceeded 50 per cent. In some districts of Eastern U.P. and Hill Region over two-thirds of operated area is now under this category.

The inter-district variation in agrarian structure basically reflects variations in the land-man ratio. Thus, the correlation coefficient between population density and average size of operational holdings at the district level is found to be -0.48. On the other hand, the correlation between population density and percent area under marginal and small holdings is +0.46.

In the light of this grim scenario of agrarian structure, it would be instructive to examine the relationship between agrarian structure and agricultural development. We have tried to study this relationship through a cross section analysis of 42 districts of U.P. Plains. The districts in the Hill Region and Bundelkhand were excluded from the analysis in view of their peculiar geographical features.

We have taken average yield of foodgrains per hectare as the indicator of agricultural development. The results of the correlation analysis have been shown in Table 8. The Gini Coefficient of holding does not reveal any significant correlation with agrarian structure or agricultural development.

Other features of agrarian structure like size of operational holding and pattern of land distribution, however, show a clear relationship with agricultural development. Thus, average yields are positively and significantly correlated with average size of holding as well as proportion of area under holdings above 2 hectares. On the other hand, proportion of area under

TABLE 8

Relationship between Agrarian Structure and Agricultural Development in  
Uttar Pradesh at the District level)

Variable	Correlation Coefficient with				
	Average yield of Foodgrains		Rate of growth of Foodgrain Output 1968-86	% Area Irrigated	Per Ha. Fertilizer Consump- tion
	1968-71	1983-86			
1. Gini Coefficient of Holding	0.1175	0.1518	0.0463	0.0513	0.1470
2. Average Size of Holding	0.5158*	0.5019*	0.0975	0.5296*	0.0122
3. Per cent of Opera- tional Holdings Area Under :					
(a) Marginal holdings	-0.6140*	-0.6198*	-0.1575	-0.6671*	-0.1508
(b) Small holdings	-0.3718**	-0.4302*	-0.1477	-0.2379	-0.1874
(c) Marginal & Small holdings	-0.5116*	-0.5371*	-0.1301	-0.4381*	-0.0486
(d) Semi-Medium holdings	0.6683*	0.5955*	0.0520	0.7208*	0.0872
(e) Medium holdings	0.5821*	0.5640*	0.0900	0.5397*	0.0741
(f) Large holdings	-0.0364	-0.0121	-0.0387	-0.0349	-0.1150
(g) Bigger holdings	0.5318*	0.5050*	0.0556	0.5184*	0.0375
(d+e+f)					

Note : Significant at 1 per cent level

\*\* Significant at 5 per cent level

holdings below 2 hectares shows a significant negative association with agricultural productivity. The major handicap of the smaller holdings is their inability to make investment on irrigation facilities, where capital requirement is large. This is evidenced by the negative association between area under marginal and small holdings and per cent of irrigated area. In case of fertilizer use, however, the coefficients of correlation are not significant, though the sign is in the expected direction. The same is true for the rate of growth of agricultural output during the period 1968-71 to 1983-86. Large holdings (i.e. above 10 ha.) are also not making efficient use of land.

TABLE 9

Results of Regression Analysis on per hectare Foodgrain output  
across Districts in U.P., 1980s.

Variable	Eq. 1	Eq. 2	Eq. 3	Eq. 4	Eq. 5
Constant Term	19.1953	9.5922	9.4901	8.1261	2.6439
$X_1$ Percent of Area under holdings Above 2 ha.	1.8693* (0.4968)			0.0444** (0.0332)	0.1340* (0.0272)
$X_2$ Percent of Net Irrigated Area		0.1234* (0.0172)		0.1095* (0.0120)	
$X_3$ Fertilizer Consum- ption per ha.			4.3803* (0.8926)		0.0833* (0.0139)
R. Square	0.2614	0.5639	0.3758	0.5830	0.6153

Notes : 1. Number of observations 42  
2. Figures in brackets show standard error of the coefficient  
3. \* Significant at 1 per cent level.  
4. \*\* Significant at 10 per cent level.

The results of the regression analysis shown in Table 9 also demonstrate that agrarian structure is affecting the level of agricultural development. However, technological factors like irrigation and fertiliser seem to be playing a greater role.

#### CONCLUSION

To sum up, the tenurial reforms in U.P. taken up soon after Independence were successful in abolishing the intermediary rights on land and creating an agrarian structure primarily based on peasant proprietorship. This together with the land consolidation measures taken up during the subsequent period had a positive impact on agricultural development and laid the foundations of technological transformation of agriculture in the state.

The story of land ceiling operations in U.P. is however, one of pious intentions rather than real achievements. During the two rounds of land ceiling legislation hardly 4.5 lakh acres of land or about 1 per cent of the operated area in the state could be distributed to 6-7 per cent of agricultural labourers. Thus, land redistribution programme had a minimal impact on the agrarian structure and rural poverty due to lack of strong political will.

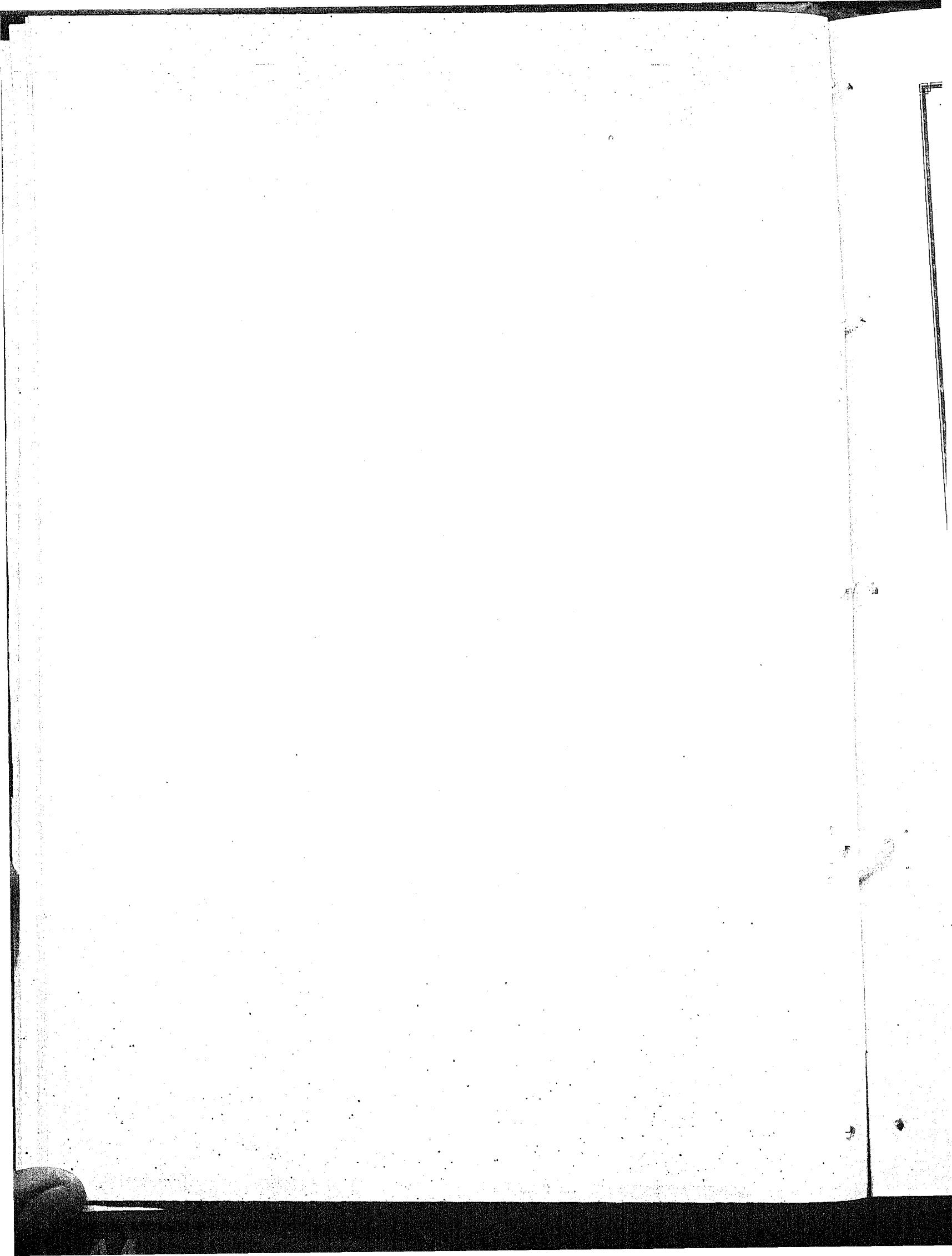
According to the Census of Agriculture 1980-81, there were 72,000

holdings in U.P. which are above 10 hectares in size accounting for about 11 lakh hectares of operated area. Our analysis has indicated that holdings above 10 hectares are not making the most efficient use of land, which strengthens the economic argument for land ceilings. A more determined effort to unearth the surplus land held under *benami* possession along with removal of various exemptions granted under ceiling legislation can still release a fair amount of land for redistribution among landless labourers to give them some economic security.

The major challenge for accelerating agricultural development and removing rural poverty in our view is that of increasing productivity on the large number of non-viable marginal and small holdings, which now account for the overwhelming proportion of holdings in the state. The situation calls for a major organizational effort on the part of the government to provide necessary technological, infrastructural and input support to marginal and the small farmers to raise agricultural productivity along with efforts to diversify the economy to generate more income and employment opportunity.

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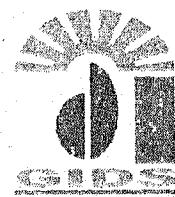
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## Status Paper on Computerization of Land Records

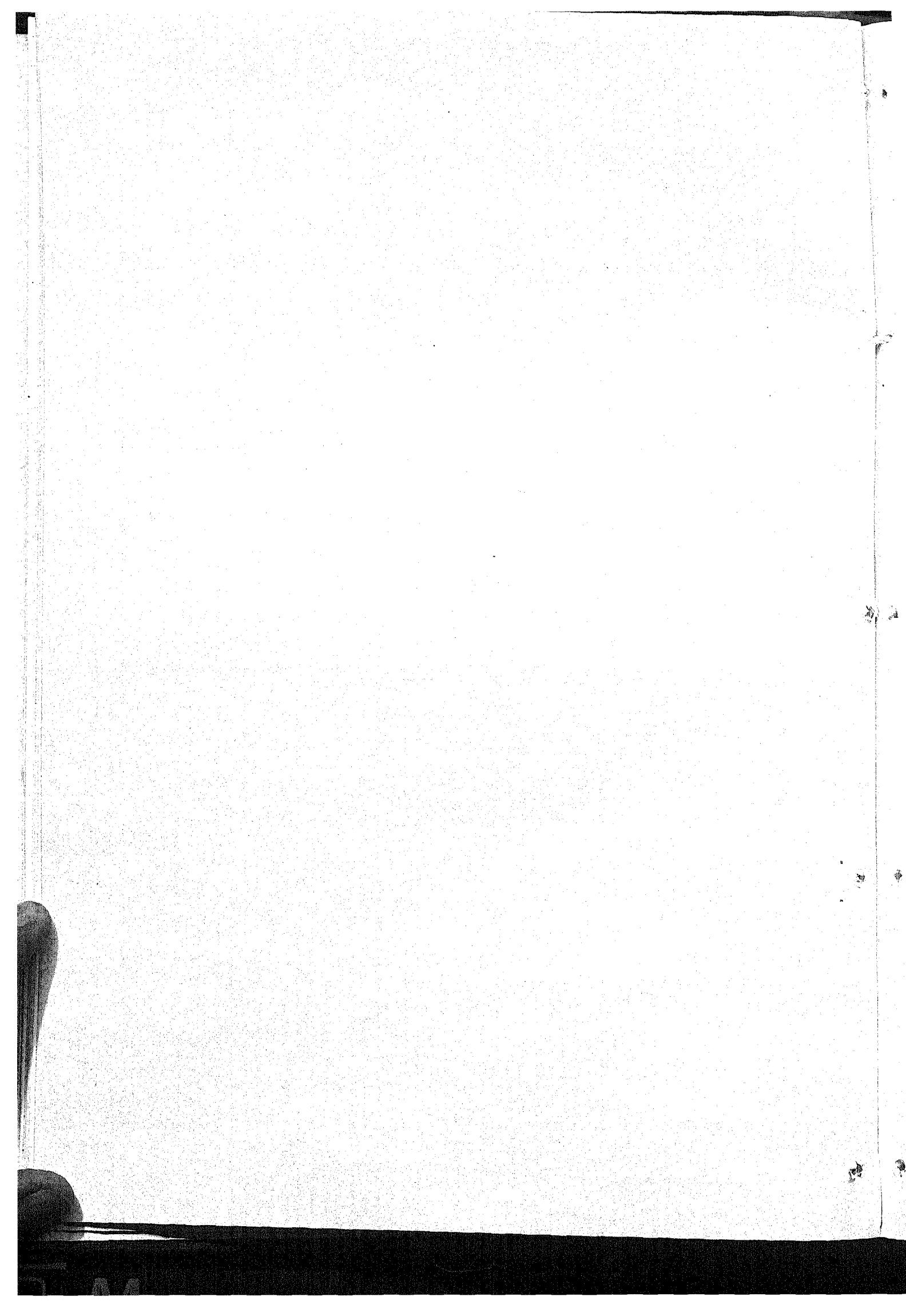
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**National Seminar on  
Land Reforms in Uttar Pradesh : Retrospect and Prospects**

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## प्रदेश में भू-अभिलेखों का कम्प्यूटरीकरण

### खतौनी का कम्प्यूटरीकरण

भू-राजस्व अधिनियम की धारा-32 के अन्तर्गत खतौनी का निर्माण किया जाता है। यह अधिकार अभिलेख है जो उन सभी व्यक्तियों के एक 13 कॉलम वाले रजिस्टर के रूप में रखा जाता है जोकि भूमि पर खेती करते हैं अथवा काबिज होते हैं। खतौनी षटवार्षिक रूप से पुरानी खतौनी के आधार पर, परिवर्तनों को समाविष्ट करते हुये लेखपाल द्वारा तैयार की जाती थी, जिसकी जॉच राजस्व निरीक्षक द्वारा किया जाता था। कृषकों/हितबद्ध व्यक्तियों को उनके अधिकारों के अभिलेख का उद्धरण लेखपाल द्वारा हस्तालिखित रूप से उपलब्ध कराया जाता था। भू-अभिलेख (कम्प्यूटरीकरण) नियमावली, 2005 में प्राविधानित व्यवस्था के अनुसार अब नयी खतौनी कम्प्यूटर के माध्यम से तैयार की जा रही है।

प्रदेश के समर्त कृषकों को लाभन्वित करने के उद्देश्य से खतौनियों के कम्प्यूटरीकरण पर निरन्तर बल दिया जा रहा था। फलस्वरूप भारत सरकार की शत-प्रतिशत वित्त पोषित योजना के अन्तर्गत प्रदेश की तहसीलों के चकबन्दी से बाहर के 99,949 ग्रामों की खतौनियों के अभिलेखों को काप्यूटरीकृत कर लिया गया है। इस महत्वपूर्ण कार्य के होने पर अब किसानों को तहसील केन्द्र से कम्प्यूटरीकृत खतौनी के उद्धरण की प्रतिलिपि रु0 15/- शुल्क लेकर उपलब्ध करायी जा रही हैं तथा हस्तालिखित खतौनी उद्धरण की व्यवस्था को पूर्ण रूप से समाप्त कर दिया गया है। इन अभिलेखों के कम्प्यूटरीकरण के उपरान्त इनके रख-सखाव में आसानी हो रही है तथा राजस्व प्रशासन में पारदर्शिता भी आयी है। इससे अभिलेखों में बदलाव कर अनुचित लाभ लेने की संभवनाओं पर अंकुश लगा है। इसके अतिरिक्त कृषकों को भी सुलभता से उनके अधिकारों के अभिलेख का कम्प्यूटरीकृत उद्धरण उपलब्ध हो रहे हैं। खतौनियों में प्रतिदिन होने वाले नामान्तरण को कम्प्यूटर के माध्यम से किये जाने हेतु व्यवस्था

सुनिश्चित कर दी गयी है जिसके कारण नामान्तरण को भी अधिकारों के अभिलेख में समस्य दर्ज किये जा रहे हैं। वर्तमान में प्रदेश की समस्त तहसीलों में स्थापित कम्प्यूटर केन्द्रों से औसत 200 खतौनी की नकलें प्रतिदिन वितरित की जा रही हैं।

कृषकों एवं हितबद्ध व्यक्तियों को उनके अभिलेखों को देखने की सुविधा उपलब्ध कराने के उद्देश्य से कम्प्यूटरीकृत खतौनी को इन्टरनेट पर भी उपलब्ध करा दिया गया है। इसे <http://bhulekh.up.nic.in> की साइट पर जाकर अवलोकित किया जा सकता है। इससे कृषकों के अतिरिक्त बैंकों, चीनी मिलों इत्यादि संस्थाओं को भी लाभ मिल रहे हैं।

### भू-अभिलेख डाटा सेंटर की स्थापना

समय के साथ विभिन्न नयी-नयी आवश्यकताओं के दृष्टिगत भूमि सुधार सम्बन्धी नीतियों के निर्माण हेतु अपेक्षित संकलित डाटा का होना आवश्यक होता है, जिसके विश्लेषण के आधार पर, नीति निर्धारण में सुगमता होती है। इस कार्य हेतु त्वरित सूचना/डाटा की उपलब्धता सुनिश्चित किया जाना आवश्यक है। परिषद द्वारा डाटा वेयर हाउस हेतु, प्रदेश के समस्त जनपदों में भू-अभिलेख डाटा सेंटर की स्थापना की जा रही है।

प्रदेश की समस्त तहसीलों को जिला मुख्यालय से जोड़ने का कार्य जनपद रत्तीय भू-अभिलेख डाटा सेंटर योजनान्तर्गत किया जा रहा है। प्रदेश की समस्त तहसीलों को कनेक्ट करने का कार्य लगभग पूर्ण हो चुका है। इस योजना के माध्यम से ग्रास रुट तर से जिला मुख्यालय एवं प्रदेश मुख्यालय तक की सभी सूचना कम्प्यूटर के माध्यम से ई-लिंक हो जायेंगी। इस तरह संकलित डाटा/सूचना के आधार पर भूमि सुधार

सम्बन्धी नीतियों के निर्माण एवं कियान्वयन में सुगमता तो होगी ही साथ ही योजनाओं का त्वरित अनुश्रवण भी किया जा सकेगा।

### डिजिटल रेवेन्यू रिकार्ड रूम की स्थापना

प्रत्येक जनपद की प्रत्येक तहसील में तथा जनपद स्तर पर एक-एक राजस्व अभिलेखागार होता है। इसमें महत्वपूर्ण भू-अभिलेख-खतौनी, खसरा, भू-मानचित्र, बन्दोबरस्ती एवं चकबन्दी अभिलेख, न्यायालयों से सन्बन्धित समस्त अभिलेख सुरक्षित एवं संरक्षित किये जाते हैं। नये अभिलेख तैयार होने के उपरान्त पुराने अभिलेख, अभिलेखागार में संहारित किये जाते हैं। कृषकों/हितबद्ध व्यक्तियों को वादों के निस्तारण व वर्षों पुरानी अभिलेखीय स्थिति की जानकारी हेतु, अभिलेखों का संहारण अपरिहार्य होता है। कभी-कभी चालू अभिलेख जल जाने अथवा खो जाने इत्यादि की दशा में अभिलेखागार में उपलब्ध अभिलेखों के आधार पर, नये अभिलेख सुगमता से तैयार कर लिये जाते हैं। पुराने अभिलेखों के बेहतर संरक्षण एवं हेरा-फेरी को रोकने के उद्देश्य से अभिलेखागार के अभिलेखों की स्कैनिंग एवं डिजिटाइजेशन का कार्य सम्पादित कराया जा रहा है।

इस योजना के तहत पाइलट के रूप में 03 जनपदों लखनऊ, गाजियाबाद एवं गौतमबुद्धनगर का कार्य पूर्ण हो चुका है। वर्तमान में मण्डलीय स्तर के 17 जनपदों में यह कार्य प्रारम्भ करने की व्यवस्था की जा रही है। इन राजस्व अभिलेखागारों के डिजिटाइजेशन से निम्नलिखित लाभ होंगे—

1. डिजिटल रिकार्ड रूम को राजस्व न्यायालयों से कनेक्ट किया जायेगा जिससे कि वादों के निस्तारण में गतिशीलता आयेगी साथ ही त्वरित न्याय की अवधारणा भी साकार हो सकेगी तथा कृषक लाभन्वित होंगे।

- पुराने राजस्व अभिलेखों को बेहतर तरीके से सुरक्षित एवं संरक्षित रखा जा सकेगा तथा कृषकों को उनके अभिलेखों की नकल तत्काल उपलब्ध होगी।
- पुराने अभिलेखों में हेरा-फेरी को रोका जा सकेगा जिससे विवादों में कमी आयेगी एवं कृषकों के हित सुरक्षित रह सकेंगे।

### राजस्व वाद प्रबंधन प्रणाली

राजस्व विभाग के अन्तर्गत नायब तहसीलदार से लेकर राजस्व परिषद स्तर तक न्यायिक कार्य हेतु न्यायालय स्थापित हैं, जिनमें भूमि विवाद से सम्बन्धित भू-राजस्व अधिनियम, उत्तर प्रदेश जमीनदारी विनाश एवं भूमि व्यवस्था अधिनियम, रटाम्प अधिनियम इत्यादि अधिनियमों के अन्तर्गत वादों का निर्स्तारण किया जाता है। त्वरित सुलभ न्याय व बेहतर न्याय प्रबंधन की संकल्पना के दृष्टिगत राजस्व परिषद, उत्तर प्रदेश, लखनऊ व इलाहाबाद के न्यायालयों का कम्प्यूटरीकरण किया गया है। इस कार्य हेतु एक साप्टवेयर विकसित कर, लम्बित वादों को कम्प्यूटर में फीड कर, कम्प्यूटरीकृत कॉज लिस्ट तैयार की जाती है। इस व्यवस्था के अन्तर्गत पुराने वादों को प्राथमिकता के आधार पर लगाकर वादों का त्वरित निर्स्तारण किया जा रहा है। वादकारियों की सुविधा हेतु राजस्व परिषद में "टच स्कीन क्योस्क" की भी स्थापना की गयी है।

### राष्ट्रीय भू-संसाधन प्रबंधन कार्यक्रम

उत्तर प्रदेश राज्य में भू-प्रबन्धन हेतु खतौनी के अतिरिक्त खसरा, भू-मानचित्र इत्यादि आधारभूत अभिलेख हैं। भू-राजस्व अधिनियम की धारा-28 के अन्तर्गत प्रत्येक ग्राम के लिये एक खसरा (फील्ड बुक) प्रतिवर्ष तैयार किया जाना अपेक्षित है। खसरा कृषि आंकड़ों की पंजी है। इसमें 21 कॉलम होते हैं जिसमें खातेदार का नाम, गाटा संख्या, क्षेत्रफल, बोयी गयी फसलें, सिंचाई के साधन व सिंचित क्षेत्रफल, बागों व पेड़ों की

स्थिति इत्यादि दर्शायी जाती है। इसे लेखपाल द्वारा हस्तलेख में तथा वर्ष में 3 बार, प्रत्येक फसल में एक बार गाटे पर जाकर, फसल का निरीक्षण कर, तैयार किया जाता है। भू-मानचित्र भू-अभिलेखों में सबसे आधारभूत अभिलेख होता है जो बन्दोबस्त के समय मैनुआली तैयार किया जाता है। इसमें प्रत्येक राजस्व ग्राम के अन्तर्गत आने वाले समस्त खसरा नम्बरों (गाटों) का समावेश होता है तथा प्रत्येक गाटा क्षेत्रफल के अनुरूप तैयार किया जाता है। भू-मानचित्र में प्रत्येक गाटे की बनी आकृति के आधार पर ही सन्दर्भित गाटे का क्षेत्रफल निर्धारित यूनिट-बीघा/एकड़/हेक्टेयर में निकाला जाता है तथा जिसे खसरे में प्रत्येक गाटे समुख अंकित किया जाता है। सीमा विवादों के निस्तारण में भू-मानचित्र ही मुख्य आधार होता है।

राष्ट्रीय भू-संसाधन प्रबंधन कार्यक्रम (National Land Resource Management Programme) के अन्तर्गत जनपदों में उपलब्ध विभिन्न भू-अभिलेखों-खतौनी, खसरा, नक्शा का कम्प्यूटरीकरण, अभिलेखागार के अभिलेखों की स्कैनिंग एवं डिजिटाइजेशन, नयी तकनीक से सर्वे का कार्य, सब रजिस्ट्रार कार्यालय से तहसीलों की लिंकिंग इत्यादि कार्य सम्पादित कराया जाना प्रस्तावित है। इस संबंध में भारत सरकार द्वारा पाइलट प्रोजेक्ट के रूप में जनपद-खीरी एवं इलाहाबाद में उक्त कार्य हेतु स्वीकृति प्रदान की गयी है जिसकी सफलता के उपरान्त प्रदेश के अन्य क्षेत्रों को भी इसके अन्तर्गत लाया जायेगा। इसके निम्नलिखित लाभ होंगे—

1. ग्रामीण एवं शहरी क्षेत्रों के समस्त नक्शों को डिजिटाइज़ किया जायेगा एवं सेटेलाइट इमेजरी के नक्शों का मिलान कर, उससे एक आदर्श नक्शे का निर्माण किया जायेगा, जो कम्प्यूटर पर उपलब्ध होगा। जनपद खीरी के दो ग्रामों में प्रयोग के तौर पर यह कार्य विवक वर्ड सेटेलाइट की सहायता से पूर्ण करा लिया गया है। जनपद खीरी के समस्त ग्रामों में यह कार्य अब कराया जायेगा। यह कार्य पूर्ण हो जाने से ग्रामों की, प्लाट की बाउन्डरी का निर्धारण सुगमता से

किया जा सकेगा। परिणामस्वरूप चक्रोड, तालाब, अन्य सरकारी भूमि, वृक्षों का चिन्हीकरण सुगमता से होगा ही साथ वादों की संख्या में भी कमी आयेगी। इसके अतिरिक्त भूमि की श्रेणी, मिट्टी का प्रकार, फसलों की उत्पादकता का आकलन, भूमि के नीचे पानी के स्तर इत्यादि को भी ज्ञात किया जा सकेगा।

2. रजिस्ट्रेशन प्रक्रिया के उपरांत अमल-दरामद हेतु सब रजिस्ट्रार कार्यालय से तहसील कम्प्यूटर केन्द्र को लिंक किया जायेगा। इससे अमल-दरामद प्रक्रिया को स्वतः स्फूर्त बनाया जा सकेगा। इससे एक ही भूमि के बार-बार फर्जी क्य-विक्रय पर रोक लगेगी तथा अमल-दरामद के विवादों में कमी आयेगी एवं अमल-दरामद को ससमय किया जा सकेगा जिससे आम जन को लाभ मिलेगा।

उपर्युक्त कार्यक्रमों से यह स्पष्ट है कि उत्तर प्रदेश द्वारा राजस्व अभिलेखों के रख-रखाव में सूचना तकनीक का समुचित उपयोग किया जा रहा है। यह उल्लेख करना प्रासंगिक होगा कि भू-अभिलेखों के कम्प्यूटरीकरण के क्षेत्र में उत्तर प्रदेश अग्रणी है।

3

## Behaviour of Land Market in Uttar Pradesh

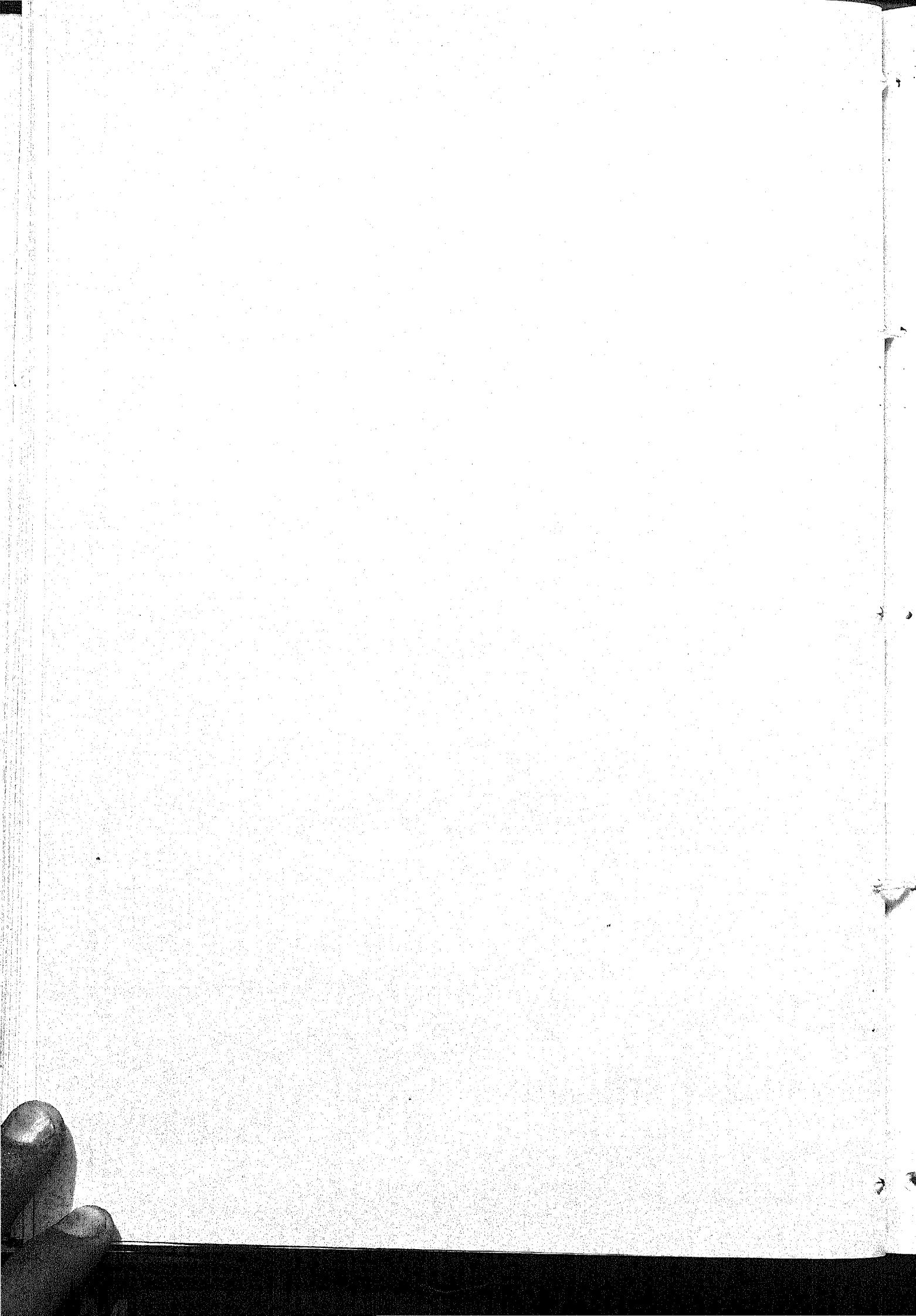
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National Seminar on  
**Land Reforms in Uttar Pradesh : Retrospect and Prospects**

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# Behaviour of Land Market in Uttar Pradesh

Gyanendra Mani<sup>1</sup>

Land being the most basic natural resource, the relationship between man and land is of crucial importance in influencing the pace of development of other productive resources and availability of total product from the agriculture sector. Land resources play an important role in determination of man's economic, social and cultural progress, especially in the rural sector where it is regarded as the nucleus of all farm activities. Unlike in other many developed countries like U.K., USA, Israel, Japan, Mexico, China, Philippines, etc., who followed the concept of intensive cultivation by using less land for agriculture purposes and managing it more efficiently; India resorted to rather extensive cultivation extending to even marginal and sub-marginal lands such as steep hills, coastal areas, river beds and ravines, etc., particularly during pre green revolution period (i.e. up to late sixties). It is only when the limit to extending cultivated area reached in the mid-seventies, the efforts towards intensive land use in agriculture began sincerely.

At the time of independence, the land distribution was widely inequitable, with three fourth of the arable land under the ownership of only seven per cent of the rural population, and the remaining one fourth pathetically sub-divided and fragmented under the ownership or quasi-ownership of about 48 per cent of the rural population. The remaining 45 per cent of the rural population were landless or tenant labourers of which approximately 25 per cent were working on land owned by other for daily wages in cash or kind, and the rest worked in miscellaneous occupations as daily wage earners or were unemployed (Ray, 1987). In addition to the above, the National Sample Survey in 1953-54 (8<sup>th</sup> round) made an estimate of the land held under tenancy and sub-tenancy in different part of the country (occupancy tenants were excluded). The percentage of area leased out varied from 21 to 26 percent. It showed that about one-fifth of the total area was held under tenancy and, thus, it was not possible to ignore the problem affecting such a wide area. Besides this open tenancy, there was considerable amount of land leased out on the basis of oral or hidden tenancy which accounted for between 35 to 40 percent of total cultivated area (Datt and Sundharam, 1989).

Land ownership pattern is influenced by several factors such as bequest, state policy and land market transactions. Of these, the first is of little policy consequence. The land reform measures concentrated mainly on abolition of intermediaries, security of tenancy and regulation of rents, consolidation of holdings, imposition of ceiling and redistribution of surplus land beyond ceiling among the landless. The legislation was based not only on the canons of justice and equity but also on the need to herald the advent of an agrarian revolution with benefits to cross-section of the different segments of rural farmers in particular and the rural economy in general. However, these institutional arrangements could not provide a solution to restrict the further fragmentation and regrouping of land holders into various size classes on account of inheritance and sale operations. The third factor relating to land market transactions, viz., comprises two segments, one of permanent transfer through sale and the other of temporary transfer through lease. Both

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these types of land market transactions, viz., sale and lease, affect the pattern of ownership as well as utilisation of agricultural lands. Hence, these land market transactions have serious policy consequences and need critical examination over time and space with regard to their causation and impact on the objectives of the state policy.

Further, in a developing country like ours, facing an ever increasing pressure on agricultural production due to population rise as well as economic development, the operations of both the land sale and land lease transactions in market for agricultural land are to be viewed seriously in light of the State's social objectives of distributing agricultural land amongst the landless farmers which leads to the creation a number of non-viable marginal farms.

The operations of land market, in its both the segments of sale and lease transaction, reveal the underlying dynamics of agricultural transformation and its implication towards the state policy on agricultural lands. Therefore, a close scrutiny of land sale and lease transactions may well reflect the direction and magnitude of the underlying changes taking place in the agrarian structure and the desirability of such changes under the new economic environment. This paper attempts to examine the dynamics of land market operations in agricultural lands in a highly developed and progressive area of the state of Uttar Pradesh. The land market being highly localized, no generalization can be drawn from such a case study of an area as this, yet the emerging observations would definitely be a pointer towards a more generalized approach required in this direction.

### **STUDY AREA AND DATA BASE**

The study was carried out in Meerut district, which is situated in the most fertile and highly developed Western region of Uttar Pradesh. A two-stage stratified random sampling was followed, where each of the total four tehsils of the districts was treated as separate strata. From each tehsil, ten patwari circles were selected randomly at the first stage. Then at the second stage, ten cases of land sale and six cases of land lease were selected randomly from each patwari circle. Each sale case consisted of one seller and the respective buyer, and each lease case consisted of one lessor and the respective lessee. Thus, a total of 400 sellers, 400 buyers, 240 lessors and 240 lessees were randomly sampled and interviewed for the collection of data relating to their sale/lease transactions in agricultural lands. All the lease transactions which took period during the reference period of the study in the villages selected for studying the land sale market were listed and one transaction per village (maximum six transactions per patwari circle) was selected randomly.

### **RESULTS AND DISCUSSION**

#### *Land Sale Operations*

The direction of flow of land from one category to various land size groups (Table 1 to 3) indicates that many sellers and buyers have changed their land holding size class after sale and purchase of agricultural lands.

Table 1: Change in the Size Group of Sellers after Land Sale

Category	Particulars	Marginal	Small	Medium	Large	Total
Before Sale	Number	203	100	85	12	400
	Avg. Holding- Ha	0.501	1.464	2.937	6.246	1.432
After Sale						
Landless	Number	79	17	3	1	100
	Pre -Avg. Holding (Ha)	0.452	1.391	3.779	5.339	0.766
	Post -Avg. Holding (Ha)	0.000	0.00	0.000	0.000	0.000
Marginal	Number	124	39	2		165
	Pre -Avg. Holding (Ha)	0.528	1.441	2.631		0.769
	Post -Avg. Holding (Ha)	0.385	0.494	0.553		0.460
Small	Number		44	35		79
	Pre -Avg. Holding (Ha)		1.512	2.550		1.972
	Post -Avg. Holding (Ha)		1.281	1.602		1.424
Medium	Number			45	3	48
	Pre -Avg. Holding (Ha)			3.196	5.695	3.352
	Post -Avg. Holding (Ha)			2.913	4.517	3.013
Large	Number				8	8
	Pre -Avg. Holding (Ha)				6.567	6.567
	Post -Avg. Holding (Ha)				6.148	6.148

Table 2: Change in the Size Group of Buyers after Land Purchase

Category	Particulars	Landless	Marginal	Small	Medium	Large	Total
Before Purchase	Number	58	118	84	118	22	400
	Avg. Holding- Ha	0.000	0.662	1.504	2.990	9.975	1.942
After Purchase							
Landless	Number	31*					31
	Pre -Avg. Holding (Ha)	0.000					0.000
	Post -Avg. Holding (Ha)	0.000					0.000
Marginal	Number	19	64				83
	Pre -Avg. Holding (Ha)	0.000	0.571				0.440
	Post -Avg. Holding (Ha)	0.224	0.732				0.616
Small	Number	8	52	54			114
	Pre -Avg. Holding (Ha)	0.000	0.782	1.393			1.047
	Post -Avg. Holding (Ha)	1.445	1.230	1.585			1.413
Medium	Number		2	30	99		131
	Pre -Avg. Holding (Ha)		0.488	1.706	2.753		2.479
	Post -Avg. Holding (Ha)		2.247	2.470	3.131		2.966
Large	Number				19	22	41
	Pre -Avg. Holding (Ha)				4.224	9.975	7.310
	Post -Avg. Holding (Ha)				6.184	1.597	8.552

Note: \* Purchased agricultural land for non-agricultural uses.

Table 3: Net Effect of Land Sale Operations

Land holding class	Sample				Distribution of total sample			
	Total number of		Total land transacted (ha)		Number of owned holdings		Total land owned (ha)	
	Sellers	Buyers	Sellers	Buyers	Pre-sale transaction	Post-sale transaction	Pre-sale transaction	Post-sale transaction
Landless	0	58 (14.5)	0.00	21.34 (11.2%)	58 (7.3)	131 (16.4)	0.00	0.00
Marginal >0- 1 ha	203 (50.8)	118 (29.5)	53.94 (28.3)	40.19 (21.1%)	321 (40.1)	248 (31.0)	179.99 (13.3)	127.01 (9.5)
Small > 1-2 ha	100 (25.0)	84 (21.0)	63.06 (33.1)	34.51 (18.1%)	184 (23.0)	193 (24.1)	272.69 (20.2)	274.4 (20.5)
Medium > 2-5 ha	85 (21.2)	118 (29.5)	61.40 (32.2)	80.70 (43.3%)	203 (25.4)	179 (22.4)	602.55 (44.7)	533.18 (40.0)
Large > 5 ha	12 (3.0)	22 (5.5)	12.22 (6.4)	13.88 (7.3%)	34 (4.2)	49 (6.1)	294.43 (21.8)	399.94 (30.0)
Total Sample	400 (100.0%)	400 (100.0%)	190.62 (100.0)	190.62 (100.0%)	800 (100.0)	800 (100.0)	1349.66 (100.0)	1334.53 \$

Note: (i) Figures in parentheses are the percentage of the respective total (ii) \$ the value deviates from the corresponding row of the previous column because of land transfers to non-agricultural uses.

As may be seen from Table 3 above that the marginal and small size-groups together constituted 75.8 per cent of the total sellers, and together sold 61.4 per cent of the total land transacted. But these two groups together constituted only 50.5 percent of the total buyers and together bought only 39.2 percent of the total land transacted. On the other hand, the medium and large size-groups together constituted 24.2 percent of the total sellers, and together sold 38.6 percent of the total land transacted. But both these latter groups together constituted 35 per cent of the total buyers, and together bought 49.6 per cent of the total land transacted. Apparently these transactions indicate an increasing concentration of land among the medium and large size-groups and decreasing concentration among the marginal and small size-groups. However, this observation is erroneous and does not hold true of the total sample of 800 units both sellers and buyers together and comparing the size group-wise distribution in the pre- and post-transaction situation.

From Table 3, it can be well inferred that land sale operations have favoured small and large farmers, which could be on account of viability, and resource use optimizations considerations respectively as far as numbers of farmers and total land owned by these groups are concerned. The marginal farmers are the biggest loser as their number, total land owned by them as well as average size of land holding during post-transaction period have come down. The average size of land holding of marginal farmers has decreased from 0.561 ha to 0.512 ha during post-transaction period. The small farmers although have gained in terms of numbers as well as total land owned by the groups but the average size of land holding has come down from 1.482 ha during pre-transaction period to 1.422 ha during post-transaction period.

#### Reasons for sale and Purchase

The sample distribution of sellers and buyers by reasons for sale/purchase (Table 4) shows that the most dominant reason for land sale in all the size groups (overall in 27.8 percent of cases) was the financial needs for social ceremonies and family consumption. Repayment of old debts was observed as another important reason (overall in 17.5

percent) forcing land sales in almost all the size-groups, except the small size-groups. Both these financial distress conditions together accounted for 45.3 per cent of the total sale cases.

The analysis of land sale market indicates that absentee sellers and buyers accounted for 18 and 22.2 percent on their respective samples, giving an impression about the increase in absentee landlordism. However, on detailed enquiry from all the 89 absentee buyers, it was found that 47 of them purchased small parcels of agricultural land for non-agricultural uses and the remaining 42 purchased agricultural land for cultivation.

The above observations indicate the poor economic base of farmers even in such a progressive and developed area. Such financial needs are inevitable in any society, and the plight of marginal and small farmers in the context is quite understandable on account of small holdings. But that this financial distress accounts for more than half of the cases of land sales by medium and small farmers speaks of the poor economic base of the farmers in general even in a progressive area.

Further, the land sale transactions that involve only a part of total land holdings sold, results in further fragmentation of holdings earlier consolidated at a substantial social cost. It may be noted that 217 out of total sample of 400 sale transactions (i.e., 54.3%) caused fragmentation of holdings through a part of land holdings. This fragmentation on marginal and small holdings makes them non-viable from both the points of view of family sustenance as well as resource use. It was found that a very large number of land sale transactions (more than 20,000 per year in the district) are being made every year for the past several years. Hence, the intensity of the resulting fragmentation can be easily visualized. Blarel et al. (1972) observed that the cost of fragmentation includes increased travel time between fields. Hence lower labour productivity, higher transport costs for inputs and outputs, negative externalities (such as reduced scope for irrigation and soil conservation investments), loss of land on boundaries and access routes, and greater potential for disputes between neighbours. Thus, land sale transactions are found to be negative the very objective of consolidation of holdings. Though it would be undesirable and infeasible to exercise a ban on agricultural land sales, yet the incidence of such sales can be reduced by minimization of distress land sales on account of financial needs. It would be better to allocate funds for the financial needs of the farmers (including consumption needs) fulfilled against land mortgage than to waste huge funds in recurrent consolidation works and the associated litigations, etc. Further, the sale of agricultural lands in very small parcels may easily be restricted through suitable regulations. For example, the UP Zamindari and Land Reforms Act, 1950 (substituted by UP Act No. 20 of 1982, with effect from 03 June 1981, Under Section 157-A) restricts the transfer of land by the Bhumidhar or Asami Schedule Caste to Non-Scheduled Caste by any means, except with the previous approval of the Collector, and even then the land after transfer must not fall below 1.26 ha in any case. Such a limit could be worked out on regional basis and made applicable in general sale of agricultural lands.

Table 4: Reasons for sale/purchase of agricultural land

Particulars	Landless	Marginal	Small	Medium	Large	Total	A: Reasons for sale
Impulsive (gambling, addiction, etc.)	-	15 (7.4)	7 (7.0)	4 (4.7)	0 (0.0)	26 (6.5)	
Social ceremonies and other family consumption needs	-	53 (26.0)	28 (28.0)	26 (30.6)	4 (33.3)	111 (27.8)	
Loam payments	-	42 (20.7)	16 (16.0)	110 (20.2)	2 (16.7)	70 (17.5)	
Price speculation motive	-	28 (13.8)	5 (5.0)	18 (21.2)	4 (33.3)	55 (13.8)	
Investment needs	-	46 (22.7)	21 (21.0)	15 (17.6)	2 (16.7)	84 (21.8)	
Land supervision problem	-	19 (9.4)	23 (23.0)	12 (14.1)	0 (0.0)	54 (13.5)	
Total	-	203 (100.0)	100 (100.0)	85 (100.0)	12 (100.0)	400 (100.0)	
							B: Purpose for buying
Cultivation	27 (46.6)	103 (87.3)	70 (83.3)	104 (88.1)	20 (90.9)	324 (81.0)	
Housing	22 (37.9)	11 (9.4)	10 (11.9)	12 (10.2)	2 (9.1)	57 (14.2)	
Industry	9 (15.5)	4 (3.4)	4 (4.8)	2 (1.7)	0 (0.0)	19 (4.8)	
Total	58 (100.0)	118 (100.0)	84 (100.0)	118 (100.0)	22 (100.0)	400 (100.0)	

Note: Figures in parentheses are the percentage of the respective total

#### Land Lease Market

The direction of flow of agricultural land from one category to various land size groups for leasing activity is presented in Table 5 for leasing-out operation and in Table 6 for leasing-in operation. The net effect of these transactions is summarised in Table 7. It may be observed from Table 6 & 7 that the pattern of flow of agricultural land to various categories in the lease market is similar to that with the land sale market where most of the farmers have either come down by 2 or 3 categories after leasing out of a parcel or their total holdings or have shifted up after leasing in some agricultural land.

It is observed that while leasing-out of land was done almost in equal proportions by the marginal, small and medium farmers, leasing-in of agricultural land was largely concentrated among the marginal farmers. Those marginal farmers who have better outside employment opportunities, and, hence constitute absentee owners' group (see Table 7) prefer to lease out their tiny holdings, and those not having outside employment opportunities resort to leasing-in more land to make their operated holdings adequate for family sustenance. Similarly, the landless agricultural workers also lease-in land for family sustenance. The small, medium and large farmers having adequate land holdings for family sustenance normally do not participate in lease market except for the reasons of being absentee owners, disabled or having management problems in the case of leasing-out and resource use optimization (family labour or tractor-power) in the case of leasing-in (Table 7).

Table 4: Change in the Size Group of Lessors after Leasing Out

Category	Particulars	Landless	Marginal	Small	Medium	Large	Total
Before Leasing - Out	Number		84	80	72	4	240
	Avg. Holding- Ha		0.710	1.459	3.204	5.760	1.791
After Leasing-Out							
Landless	Number		73	33	6	1	113
	Pre -Avg. Holding (Ha)		0.706	1.353	2.925	6.480	1.064
	Post -Avg. Holding (Ha)		0.000	0.000	0.000	0.000	0.000
Marginal	Number		11	14	3		28
	Pre -Avg. Holding (Ha)		0.734	1.414	3.307		1.349
	Post -Avg. Holding (Ha)		0.542	0.843	0.343		0.671
Small	Number			33	24		57
	Pre -Avg. Holding (Ha)			1.578	2.519		1.974
	Post -Avg. Holding (Ha)			1.310	1.728		1.486
Medium	Number				39	3	42
	Pre -Avg. Holding (Ha)				3.648	5.520	3.782
	Post -Avg. Holding (Ha)				2.785	4.327	2.895

Table 5: Change in the Size Group of Lessees after Leasing In

Category	Particulars	Landless	Marginal	Small	Medium	Large	Total
Before Leasing -in	Number	41	140	28	21	2	240
	Avg. Holding- Ha	0.000	0.616	1.313	3.112	5.440	0.850
After Leasing -in							
Landless	Number						
	Pre -Avg. Holding (Ha)						
	Post -Avg. Holding (Ha)						
Marginal	Number	17	48				65
	Pre -Avg. Holding (Ha)	0.000	0.493				0.364
	Post -Avg. Holding (Ha)	0.836	0.817				0.822
Small	Number	21	90	15			126
	Pre -Avg. Holding (Ha)	0.000	0.668	1.266			0.628
	Post -Avg. Holding (Ha)	1.423	1.354	1.596			1.394
Medium	Number	3	9	13	16		41
	Pre -Avg. Holding (Ha)	0.000	0.748	1.366	2.856		2.712
	Post -Avg. Holding (Ha)	2.620	2.612	2428	4.003		3.097
Large	Number				5	2	8
	Pre -Avg. Holding (Ha)				3.930	5.440	3.893
	Post -Avg. Holding (Ha)				5.910	8.095	6.604

Table 7 : Net Effect of Land Lease Operations

Land holding class	Sample				Distribution of total sample			
	Total number of		Total land leased (ha)		Number of operated holdings		land operated (ha)	
	Lessor	Lessee	Lessor	Lessee	Pre-lease	Post-lease	Pre-lease transaction	Post-lease
Landless	0	41 (17.1)	0.00	51.47 (25.2)	41 (8.5)	113 (23.5)	0.00	00
Marginal >0-1 ha	84 (35.0)	148 (61.7)	53.64 (26.3)	100.53 (49.2)	232 (50.4)	93 (19.4)	150.73 (23.5)	72.22 (11.4)
Small > 1-2 ha	80 (33.3)	28 (11.7)	61.51 (30.1)	18.75 (9.2)	108 (22.5)	183 (38.1)	153.28 (24.2)	259.98 (41.0)
Medium > 2-5 ha	72 (30.0)	21 (8.7)	79.09 (38.7)	28.24 (13.8)	93 (19.4)	83 (17.3)	295.55 (46.7)	248.54 (39.4)
Large > 5 ha	4 (1.7)	2 (0.8)	10.06 (4.9)	5.31 (2.6)	6 (1.3)	8 (1.7)	33.92 (5.4)	52.83 (8.3)
Total Sample	240 (100.0%)	240 (100.0%)	204.3 (100.0%)	204.3 (100.0%)	480 (100.0)	480 (100.0)	633.48 (100.0)	633.48 (100.0)

The frequency distribution of lessors by two major occupational groups of absentee and peasant cultivator indicated that little over 40 per cent of lease market comprised the absentee owners all of which lease-out all of their land to tenant cultivators. Among the peasant cultivators, 58.3 per cent leased out either total or parts of their total land which accounted for 54.3 per cent of the total leased-out lands. The cash rental and crop sharing were found to be almost in equal proportion when the sample was analyzed in terms of term of leasing. The absentee lessors were generally those who were either having some business or employed somewhere away from their respective residences. These absentee farmers were not able to monitor their land holding properly.

The net effect of leasing on the pattern of operated holdings is shown in Table 7. It is observed from these results that the marginal farmers were the net gainers in real terms from lease market as their number as well as area operated both declined in the post-lease distribution since most of them became small farm operators (based on new operational holdings) after leasing-in of more land while some became non-operators after leasing out (due to being absentee owners or disabled).

#### *Reasons for Leasing out/in*

The earlier land reforms permit tenancy in agricultural holdings only under inability conditions of the land owners, such as of widows, disabled persons, jailed person, military personnel, etc. But *de facto* tenancy is widely prevalent through largely in concealed forms as reported in several studies (Bardhan, 1976; Laxminarayan and Tyagi, 1977; Kumar, 1991; Singh *et al* 1991). The present study also attempted to investigate into the reasons for leasing-out and leasing-in of agricultural lands. The results on this account are presented in Table 7. It is observed from table that the disability served as the reason for leasing-out only in 15 per cent cases, while the absentee owners and management problems on lands accounted for 70 per cent cases. Similarly, subsistence and family labour use were the major reasons for leasing-in land. As already discussed earlier, the results also indicate that marginal farmers tried to become small and the medium farmers tried to become large through land-lease out of viability considerations. Those non-viable tiny holdings are converted into viable small holdings at the lower end

and the capital resources are better utilized at the higher end, must be viewed as progressive developments and need to be encouraged. Both these processes can be expected to contribute to resource use efficiency in agriculture. Further, the productivity differentials between the lessors and the lessees, as shown in Table 8, indicate better resource management and productivity gains by the lessees. The lease market is also able to absorb some of the landless and is able to provide income and employment opportunities to the poorest of the poor class.

Table 8 : Reasons for Leasing of agricultural land

Particulars	Landless	Marginal	Small	Medium	Large	Total
<b>A: Reasons for Leasing-out</b>						
Absenteeism	62 (73.8)	22 (27.5)	15 (20.8)	1 (25.0)	100 (41.7)	
Disabled	12 (14.2)	14 (17.5)	11 (15.3)	0 (0.0)	37 (15.4)	
Addiction, gambling, etc.	5 (6.0)	8 (10.0)	0 (0.00)	0 (0.0)	13 (5.4)	
Management problem	3 (3.6)	28 (35.0)	38 (52.7)	3 (75.0)	72 (30.0)	
Casual attitude	2 (2.4)	8 (10.0)	8 (11.1)	0 (0.00)	18 (7.5)	
<b>Total</b>	<b>84 (100.0)</b>	<b>80 (100.0)</b>	<b>72 (100.0)</b>	<b>4 (100.0)</b>	<b>240 (100.0)</b>	
<b>B: Reasons for Leasing-in</b>						
Subsistence	39 (95.1)	113 (76.4)	0 (0.0)	0 (0.0)	0 (0.0)	152 (63.3)
Utilisation of family labour	0 (0.0)	28 (18.9)	22 (78.6)	3 (14.3)	0 (0.0)	53 (22.1)
Utilisation of tractor power	0 (0.0)	2 (1.4)	2 (7.1)	16 (76.2)	2 (100.0)	22 (9.2)
Vegetable farming	2 (4.9)	5 (3.3)	4 (14.3)	2 (9.5)	0 (0.0)	13 (5.4)
<b>Total</b>	<b>41 (100.0)</b>	<b>148 (100.0)</b>	<b>28 (100.0)</b>	<b>21 (100.0)</b>	<b>2 (100.0)</b>	<b>240 (100.0)</b>

Note : Figures in parentheses are percentage of the respective total

The reality of existence of land lease market in agriculture to a considerable extent on account of the factors as presented in Table 8 suggests for according full legal status to tenancy as a general class of land tenure by protecting the interests of both the owners and the tenants. This will help replace a wider range of inability in agriculture by the willing ability to cultivate lands. This will help reduce unnecessary fragmentation of agricultural holdings since lease rent, as an annuity will serve as an alternative to wealth sharing through land sales. In developed areas and where population pressure on agricultural land is less and wages are high, the marginal farmers may gain doubly by leasing-out their lands on rent and taking up wage employment.

There have been suggestions for a review on some of these land reforms and particularly for relaxation of restrictions on tenancy in agriculture. Rao and Gulati (1994) argued that freeing the lease market for land might contribute to equity as well as efficiency of resource use. Vyas (1994) suggested that the basic approach to land reforms should be to create as many as viable land holdings as possible, by physical expansion of the land holdings of the small farmers, by encouraging them to lease in land from other small land owners and by enabling them to have larger value added from agriculture. Krishnaswamy (1994) observed that the operative forces today are quite different. They tend to treat

small holdings as uneconomic, and to convert the small farmers into a tenant farmer or an agricultural labourer.

### **Conclusions**

The findings of the study are found to have important policy implications. The dominance of marginal and small farmers in land sale, some becoming completely landless, highlights the economic non-viability marginal holdings even in agriculturally developed areas. This suggests for placing a floor limit on agricultural lands irrespective of class and category of the farmers. Prevalence of tenancy among both the absentee as well as peasant owners for a variety of reasons suggests for granting a well recognized legal status to tenancy, protecting the interest of both lessors and lessees. However, allowing corporate farming/ contract farming in the state of Uttar Pradesh needs some logical justification on both economic and social considerations, particularly in light of the alternatives available to the marginal farmers and small farmers after they enter into contract with the corporate sector. Transfer of good quality agricultural land to non-agricultural uses is to be viewed seriously and some solution to this problem is required to be suggested. Some countries have resorted to the policy of agricultural zoning which seems to have worked well in protecting the agricultural land from going to non-agricultural uses.

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## **Land Policy in an Era of Globalisation: SEZ Policies in Uttar Pradesh**

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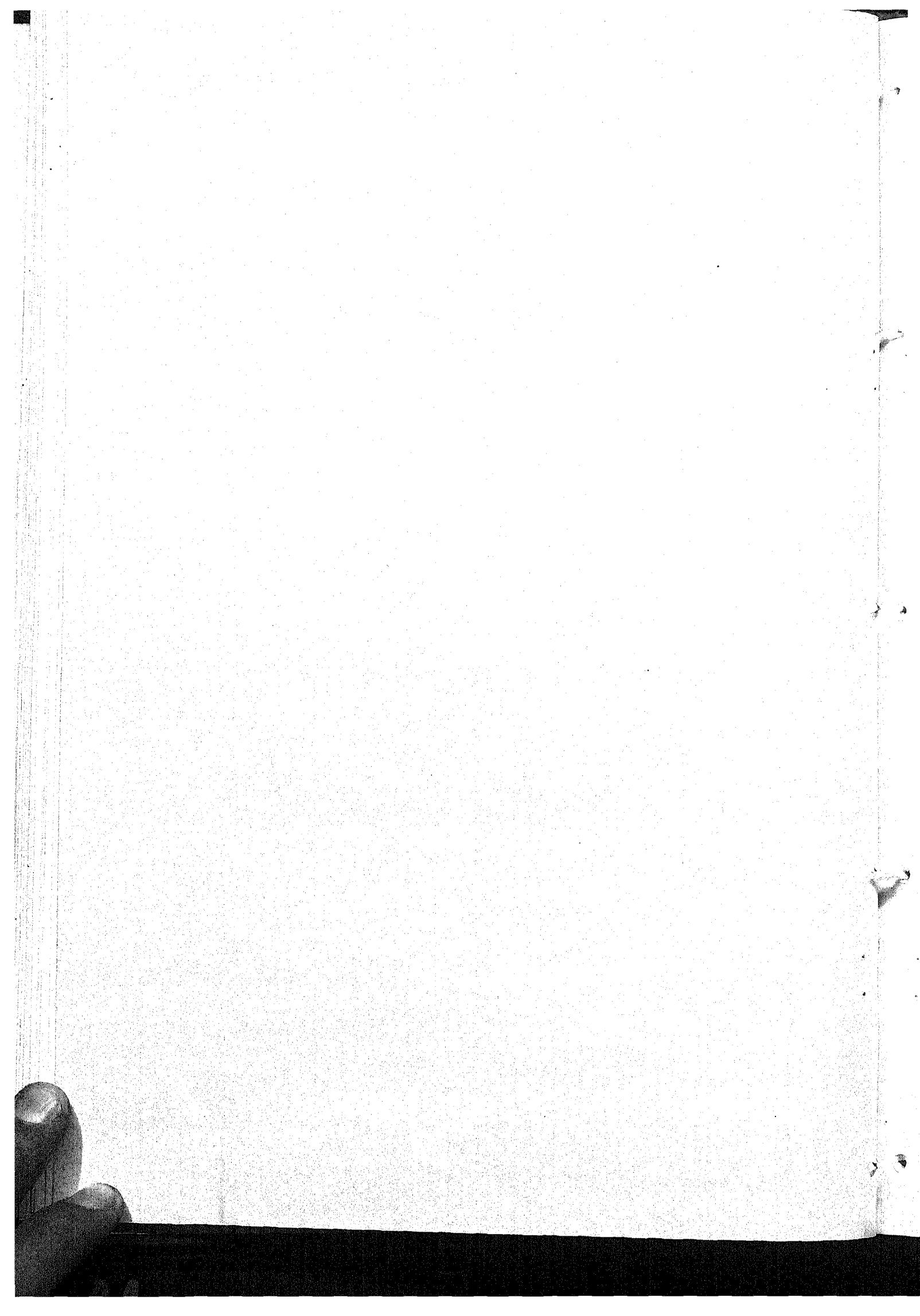
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## Land Policy in an Era of Globalization: SEZ Policies in UP<sup>1</sup>

Sudha Pai

At independence the Nehruvian State attempted to introduce land reform whose main aim was to remove Zamindari and distribute land to the tiller. Subsequent governments attempted to take this policy forward in the post-independence period though with limited success. With the adoption of a SAP in 1991 and resulting globalization of the economy, land policies have undergone a fundamental change. While during the 1990s no national policy on agricultural land was put forward. Since the early 2000s the single most important policy shift has been the establishment of Special Economic Zones (SEZs) on farmland by the central and many state governments. There has undoubtedly been a long-term capitalist tendency in agriculture since the Green Revolution in the mid 1960s. By the late 1980s with rapid spread of commercialization of agriculture, a post-Green Revolution phase characterized by big capitalist farmers and agro-capitalism had appeared particularly in the better-off states such as Punjab, Maharashtra and Karnataka as well as in some parts of UP. Following liberalization many state governments such as Karnataka, Gujarat and Maharashtra during the 1990s removed the protection to agricultural land, which land reform legislation provided, leading to "agribusiness" (Panini 1999) and corporatization of agriculture. Agricultural land began to be used for industrial purposes in a number of states.

However, the establishment of SEZs marks a *qualitative* change in the land policies of the Indian State. It constitutes a reversal of the policies of land reform and distribution of land to the landless adopted at independence. Its proponents argue that it will lead to industrial development, increase exports, improve infrastructure and provide employment to the large army of landless who have not been absorbed into agriculture. However, the policy has attracted strident opposition and intellectual criticism including from the IMF, The World Bank, The Asian Development Bank and the WTO that have recently expressed their reservations about the SEZ policy (Aseem Srivastava 2008). Within the country its critics have described it as part of the neo-liberal policies adopted by the Indian State following the SAP that will have an adverse impact on food production and further aggravate the condition of the rural poor dependent on agriculture for their livelihood.

This paper analyzes the attempt by the BSP-led coalition government in September 2002 and subsequent governments in UP to establish SEZs. It examines the reasons underlying this move, the UP SEZ Act and subsequent policies, their impact on land policies in the state, and farmers' movements against land acquisition in the state. While there are many issues concerning the new SEZ policy that need examination such as the role of the state and the private sector in its functioning, the powers given to the "developer", taxation and incentive policies, displacement, compensation and rehabilitation etc. This paper focuses on the policy of land acquisition, protest movements by farmers against it and the impact that establishment of SEZs will have on existing land policies in UP.

Our study argues that the adoption of the SEZ policy points to a major shift in the nature of the State in India in the post-liberalization period in keeping with the neo-liberal ideology underlying it. According to the Act, SEZs are described as "public facility or infrastructure" while in reality they constitute protected enclaves where multi-national capital can easily enter and profit. The emergence of SEZs represents a "nexus of legality, state power and neo-liberal capital" (Sampath 2008). While earlier land was acquired mainly for large state development projects, today the state is helping big corporations both Indian and multi-national to acquire agricultural land for establishing industry, departing from the earlier land reform policy of protecting agricultural land

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and also of distribution of land to the landless. It can be described as a form of "accumulation by dispossession" which includes "the commodification and privatization of land and labour power and the forceful expulsion of peasant populations" leading to conversion of public into private property rights in which the state plays a key role promoting and supporting private capital (Harvey 2005). The close connection that is developing between the state and big business is visible particularly at the regional level. State governments in some cases have attempted to almost force farmers to subsidize industry by providing cheap land. This is seen even in states such as West Bengal ruled by the Left parties.

Despite its backward condition, UP was the first state in the country to pass an Act in September 2002 for setting up SEZs before more industrialized states such as Gujarat or Maharashtra. The shift towards a more conservative neo-liberal position regarding land-use among political parties is seen in fact that the establishment of SEZs was initiated by the BSP an avowedly dalit-based party and later promoted by the SP a lower caste party that professes to be a Socialist party and whose social base is primarily among the BC cultivating peasantry in the countryside. During his period in office Mulayam Singh's model of development ignored public investment in education, health, infrastructure, power, irrigation and ensured profits to his industrial friends but little for the common man introducing *corporatization* of the UP state (Pai 2007). In fact, an analysis of the policy shows that taking advantage of liberalization and freeing of controls, the UP government under the leadership of Mulayam Singh Yadav has tried to favour a single business house. The policy has also become part of the 'politics of vendetta' between the SP and the BSP delaying investment in UP. Nor does the state have a well formulated rehabilitation and compensation policy to offer to farmers who have lost land. In a backward state such as UP where most of the population is dependent on agriculture, land acquisition for the establishment of SEZs will have an adverse impact on the farming community and rural livelihoods as fertile cultivable land is being used for setting up SEZs. This has led to protest movements in the state by farmers supported by political parties such as the Jan Morcha bringing land back on the political horizon after a long period of time.

The paper is divided into two parts. The first critically analyzes the basic features of the SEZs policy as outlined by the central government and its implications for agricultural land policy in the future. The second part deals with the implementation of the policy in UP, the politics of SEZs in the state, farmer's movements and future implications. The concluding section returns to an analysis of the impact of the policy of SEZs on land policies in UP and the country.

## I

### SEZ Policy: An Analysis

SEZ means an area of land that has been demarcated and is treated as a foreign territory for various purposes such as tariffs, trade, and duties. SEZs in India enjoy exemptions from income tax, service tax, sales tax, and customs duties. The Indian government is encouraging the setting up of SEZs in the country arguing that they help in the economic and industrial growth of a nation.<sup>2</sup> SEZs are not entirely a new concept and are basically modeled on Export Processing Zones (EPZs) that came up nearly five decades ago to allow employers to import materials to be worked on and then re-exported without having to pay duty. India was one of the first in Asia to recognize the effectiveness of the model in promoting exports, with Asia's first EPZ set up in Kandla in 1965.<sup>3</sup> The government set up five more zones during the late 1980s. These were at Noida (Uttar Pradesh), Falta (West Bengal), Cochin (Kerala), Chennai (Tamil Nadu) and Vishakapatnam (Andhra Pradesh). However, the EPZ policy was deficient by several factors like limited power of zonal

<sup>2</sup> Background Note on SEZ in India, information available on <http://sezindia.mic.in/>

<sup>3</sup> See Amirahmadi and Wu 1995, on SEZs in Asia.

authorities, absence of single window facility, restrictive FDI policy, procedural constraints and severe infrastructural deficiencies. During 1991-2000, the central government initiated wide-ranging measures for revamping and restructuring the EPZs. The idea of the so-called SEZ was first mooted by the Ministry of Commerce's Export-Import policy 2000, during the Atal Bihari Vajpayee government in an obvious attempt to copy the model evolved in China and provide an internationally competitive environment for export. Consequently, SEZs functioned from November 2000 to February 2006 under the provisions of the Foreign Trade Policy and fiscal incentives were made effective through the provisions of relevant statutes.<sup>4</sup> This phase was marked by progressive liberalization of policy provisions and relaxation of severity of controls and simplification of procedures.

The United Progressive Alliance (UPA) government, after coming to power in 2004, to remove the various hurdles mentioned above, decided to bring a Central Act for SEZs in line with international practice. Following a number of meetings in various parts of the country by both the Minister for Commerce and Industry as well as senior officials a comprehensive draft SEZ Bill was prepared after extensive discussions with the stakeholders. The Special Economic Zones Act, 2005, was passed by Parliament in May 2005, which received Presidential assent on June 23, 2005. The draft SEZ Rules were widely discussed and put on the website of the Department of Commerce offering suggestions/comments. Around 800 suggestions were received on the draft rules. After extensive consultations, the SEZ Act, 2005, supported by SEZ Rules, came into effect on February 10, 2006, providing for drastic simplification of procedures and for single window clearance on matters relating to central as well as state governments.<sup>5</sup>

The Act has not been free from controversy even within the government. The Finance Ministry held that the manner in which SEZs are being promoted would lead to a revenue loss of over Rs, 1,60,000 crores by 2010 (*Frontline*, October 20, 2007: 4). The Commerce Ministry argued that the Finance Ministry's projections are based on "paper calculations" and SEZs would eventually bring in investments amounting to Rs, 100,000 crores by the end of 2007; there would be a net revenue gain of Rs.44, 000 crores and the creation of five lakh additional jobs. The Ministry also states that an "extremely critical element is that of social infrastructure, which would constitute housing facilities and entertainment, etc" (*Ibid.*). Commerce Minister Kamal Nath has argued that the Act is designed specifically for India and will provide two main benefits: exports and employment. He has also held that "SEZs have nothing to do with land acquisition" and even small ones are envisaged such as those for jewellery or IT that do not need much land.<sup>6</sup>

#### *Impact on land policies:*

However, the single most important change due to establishment of SEZs has been the fundamental shift it has introduced in India's land policies and the impact this will have on farming communities in the country. Acquiring land is a fundamental pre-condition of establishing an SEZ. It calls for very large parcels of land, with a minimum area of 10 sq km and extending up to 50 sq km for the so-called multi-product zones (Kasturi 2008). The Maha-Mumbai SEZ and the Reliance Haryana SEZ where the state government and Reliance together have signed an agreement for developing what is described as the largest SEZ in India, early reinforced the idea that large sized SEZs implicitly depend on the state to provide land.

<sup>4</sup> Background Note on SEZ in India, information available on <http://sezindia.nic.in/>

<sup>5</sup> Special Economic Zones in India, Downloaded from Website of the Ministry of Commerce and Industry, Department of Commerce, on, July 3, 2008.

<sup>6</sup> Goplakrishna and Shrivastava Interview with Kamal Nath in Seminar February 2008.

Land is being acquired for SEZs under the 'eminent domain' clause of the Land Acquisition Act (1894) that allows the state to override private property right in land in the 'public interest' (Sen 2007).<sup>7</sup> Governments, increasingly challenged over their roles in acquiring land for private development, argue that SEZs are needed for 'development' and that they need to attract the promoters of these zones to their own state. This has led the central government to propose major amendments to the acquisition framework with the Land Acquisition (Amendment) Bill, 2007 and the companion Rehabilitation and Resettlement Bill, 2007 to strike a balance between the need for land for development and other public purposes and protecting the interests of the persons whose lands are statutorily acquired (Kasturi 2008). The British developed the 1894 Act as an amendment to an 1824 Act established by the British East India Company, was given a second look after independence by the Indian Parliament, but the amendment that followed was nominal. The Act says that the central government or the state government is free to acquire land for a non-state body and that the government has to give notice to the owners of the land and compensate them according to the "market value" of the property. The owners could challenge the acquisition, but the government can overrule them on the grounds of "public purpose." Once the deal is done, the acquisition itself cannot be questioned. The former landowners could only challenge the compensation decided by the government. In case of urgency, the Act allowed the government to acquire the land without waiting to hear any objections to the acquisition (Ibid).

The strong protests against SEZs have been precisely on the issue of land acquisition, or the exercise of "eminent domain" the common law principle underlying the state's power to acquire private property for public purpose. Increasingly, in developed countries, due to space crunch in prime areas, governments have been expanding the scope of public purpose to include various commercial uses. Indian expropriation law acquired corporate dimension in the 1960s, when under Section 55 of the Land Acquisition Act, the Centre issued rules for initiating acquisition proceedings on behalf of companies. The land had to be suitable for the purpose of acquisition; and if agricultural, acquisition would be considered, only if there was no alternative. The District Collector had to determine this in consultation with the district's senior agricultural officer, with public purpose as the ultimate objective of the acquisition. The company was bound by strict compliances and obligations; a breach could entail reversion of the land to the government (Sen 2007).

Further amendments in 1984 made a distinction between land acquisition for a *company* and for *public purpose*, which specifically excluded land acquisition for firms from the definition of public purpose. Section 6 of the Act, which requires a declaration by the government that a particular land is needed for public purpose, clarifies that no such declaration is required in case of companies, unless any part of the compensation is paid out of public funds. The conclusion drawn from this is that while other acquisitions are for public purpose, in case of a company provided it meets the entire cost of acquisition no such justification is required. Going by the 1963 rules, a company can seek acquisition, if it has failed to renegotiate a reasonable price otherwise. But whether that would absolve companies from commitment to public purpose under the rules remain uncertain. Courts, however, have consistently held that, if put to test, public purpose is involved even in acquisition for establishing an industry by the private sector, and no government can be faulted for facilitating acquisition for investors (Ibid.).

Thus SEZs are being established through special land acquisition Acts, according to which an amendment to the acquisition law makes it explicit that requirements of a private company for land for a 'purpose useful to the general public' can be considered a 'public purpose' (with the limitation that government will acquire a maximum of 30% of the land needed) (Kasturi 2008). This change

<sup>7</sup> For the 1894 Act see, Background Note on SEZ in India, information available on <http://sezindia.nic.in/>

makes it easier for government to acquire land for companies without fear of legal challenge – the government certifies the total land requirement, declares its purpose to be ‘useful to the public’ and uses its rights of eminent domain. Further, contrary to claims, the government does not limit its powers to acquire land for companies with this amendment. An inclusive definition of ‘public purpose’ (with differently worded inclusions) has been retained in the law or the government to acquire any extent of land for any purpose it sees fit (*Ibid*). The announcement by the Ministry of Commerce on 3 December 2007 that the 5,000-hectare ceiling on multi-product SEZs may be relaxed, has given hope to big developers whose projects were stalled that they would be able to move forward.<sup>8</sup>

Closely related is the issue of compensation for the land acquired. The central SEZ Act 2005 has been criticized as an “imperial legislation” lacking ameliorative measures for the deprived, with obsolete benchmarks for determining compensation. The Act envisages compensation parameters to include market value of property on date of preliminary notification, damages suffered by “interested” person(s) on account of his earnings, other properties etc, reasonable expenses for relocation, 12 per cent interest up to date of handing over of possession, and a 30 per cent solatium on the above. On paper, this appears a more attractive option than a private sale for the seller, but in reality this is not so. One reason maybe that all stakeholders under the Act are not legally entitled to compensation. More importantly, “market price” is neither properly defined nor regulated, and therefore very often not justified (Sen 2007).

Moreover, the new framework recognizes that land value increases with change of land use after acquisition, but leaves it to the District Collector to ‘take into account’ such change while determining the compensation. Thus, it is a government decision as to what part of the likely increase in value on change of land use after acquisition is to be passed on to the landowner. The benefits promised by the Resettlement and Rehabilitation Law also come with strong conditionality. Most benefits are not available to non-property owners – such as agricultural workers, artisans etc – who are usually the poorest sections, unless a large number of families are simultaneously affected by an acquisition. Equally important, there is a serious lack of coordination between the various arms of the government in this exercise – rehabilitation, commerce and industry, and rural development. Consequently, Sumit Sarkar has described the SEZ policy as the “biggest land grab movement in the history of modern India. Where earlier movements were led by the poor to acquire land, this time round it is the rich that want to ‘grab’ land belonging to poor farmers”.<sup>9</sup> Critics fear that the policy may be misused for real estate development rather than for industry and generating export.

The new land acquisition and compensation policies have encountered serious criticism from scholars and activists. Agricultural land it is held will come under increasing pressure affecting the food security of the country. A scholar has pointed out that a little over 46 per cent of the country’s area is under agriculture (Bhaskar Goswami 2008). Between 1990 and 2003, the area cultivated went down by around 1.5 per cent. While in percentage terms this may seem insignificant, in absolute terms it translates to more than 21 lakh hectares and if brought under wheat it would produce 57 lakh tonnes, which can feed more than 4.3 crore people every year. On the other hand, between 1990 and 2004, land under non-agricultural use has gone up by 34 lakh hectares. In Kerala, the area under paddy is around 3.5 lakh hectares as against 10 lakh hectares in 1980. As a result the demand for rice is about five times higher than what is produced by the state. Mineral-rich Orissa is losing agricultural land to mining and power projects. Even in the case of a small state like Himachal Pradesh the net sown area has declined by 33,000 hectares between 1991 and

<sup>8</sup> Background Note on SEZ in India, information available on <http://sezindia.nic.in/>

<sup>9</sup> Sheetal Sharma (2007) : ‘Displacing Livelihoods : Land Acquisition for Special Economic Zones’ : <http://www.mainstreamweekly.net/article408.html>

2001. Agriculturally rich states like Gujarat, Maharashtra and Andhra Pradesh account for over 70 per cent of the land that is earmarked for approved SEZs. Punjab and Haryana that meet a bulk of the country's foodgrain requirement are promoting SEZs on prime agricultural land (Ibid.) Srivastava has held that in multi-product zones only 50% of the land has been assigned for industrial processing. There are large loopholes in the SEZ law that leaves the door wide open for land being acquired for real estate speculation (Srivastava 2008).

Different estimates are being put forward of the amount of land that will be acquired for SEZs in India. Goswami points out that a multi-enterprise SEZ must have at least 5,000 hectares – preferably above 10,000 – to have a fair chance of success. This means large chunks of agricultural land will be used (Omkar Goswami 2008). The Citizens Research Collective a civil society organization has alleged that the total amount of land to be acquired across India is 150,000 hectares, which is equal to the area of the National Capital Region. More important this land they argue is predominantly agricultural and typically multi-cropped and capable of producing close to 1 million tons of food grains. They estimate that close to 114,000 farming households (each household on an average comprising five members) and an additional 82,000 farm worker families who are dependent upon these farms for their livelihoods, will be displaced. In other words, at least 10 lakh people who primarily depend upon agriculture for their survival will face eviction (Citizens Research Collective).

A number of opposition parties and even sections of the government have also been highly critical of the land acquisition clauses in the SEZ policy. It could become an important political issue in the next Lok Sabha elections with the Left parties threatening to take it up. The CPI (M) has called for legislative measures to impose a ceiling on private holdings of land for SEZs. RJD leader and Union Rural Development Minister Raghuvansh Prasad Singh has called the promotion of SEZs a "land scam". According to him, the SEZs serve as a ploy to hand over huge tracts of agricultural land to corporate bigwigs (*Frontline*, October 20, 2007: 7). The BJP has called for a review of the SEZ Act 2005. Former PM V.P.Singh and the Jan Morcha Front led by him have supported the farmers agitation in UP described in the next section. The JD (United) has demanded that the SEZ Act be scrapped. Section 5(2) of the SEZ Act which addresses the issue of land acquisition talks only about the minimum area requirements for different classes of SEZs. The Act also provides for non-industrial use of 75 percent of the land in the possession of a developer. This is justified by the argument that social infrastructure that would constitute housing facilities and entertainment is extremely critical. But several political leaders point out that this is an "open license for real-estate-racketeering". (Ibid: 8).

More fundamentally, some scholars such as Amit Bhaduri have argued that SEZs are not needed to ensure that the economy stays on a fast growth path (Bhaduri 2008). He argues that they are part of the larger neo-liberal agenda driving globalization that is biased in favour of the richer countries and can lead to many problems in developing countries. There is no level playing field; the state is ensuring that big corporations gain land while the farmers lose out. Land is being forcibly acquired under a "veil of secrecy" and "large-scale destruction of livelihoods of both urban and rural communities". Rentier and crony capitalism he argues seems to be taking deep roots through the implementation of the SEZ Act (Ibid.). Others have called it "corporate imperialism" in India (Srivastava 2008).

#### *State Response:*

Despite mounting criticism consequent upon the SEZ Rules coming into effect on February 10, 2006, over twenty-five meetings of the Central Board of Approvals (BoA) have been held. The clearance involves five stages: receipt of application by a State government from a private

enterprise; which is routed to the Union Commerce Ministry after an initial clearance at the state level. It is then placed "under consideration", which leads to "in principle approval" and "formal approval" leading finally to the notification of the project (Frontline 2007: 7). By early October 2007 the BoA had given "formal approval" to 181 SEZs across the country and "in principle" approval to another 128. However, calculations by the CII show that only 12 of the "formally approved" have been notified. As many as 16 Export Trade Zones which had been functioning before the passage of the SEZ Act 2005 have also been categorized as SEZs. Thus, only about 30 out of the 181 projects have begun to establish themselves, others are still in the run up stage (*Ibid.*). According to informal estimates based on proposals for SEZs, the total land that has been acquired or would be acquired for formally approved SEZs, is 30,000 hectares. Projects that have received "in principle approval" and those that are "under consideration" are expected to consume another 95,000 ha. This would mean a total of 1,25,000 ha. which would mean large-scale displacement of farming communities (*Ibid.*).

The government has however pointed out that most of this land was already in private hands or with the industrial development corporations so there is no question of displacement. Critics hold that in some cases applications had not come up before the BoA but state governments have already offered land to the corporation involved; examples being the Reliance SEZ in Haryana which it is alleged has even set up an office on the land and the Mahamumbai Reliance SEZ (*Ibid.*). Thus, the issue of land acquisition remains the most contested aspect of the policy.

## II

### Establishing SEZs: the UP Experience

UP was one of the first state governments to pass a SEZ Act much before a central Act was legislated in February 2006 ("UP to have Special Economic Zones for speedy development" The Times of India, New Delhi, February 23, 2003). The Mayawati-led coalition government supported by the BJP that came to power following the February 2002 assembly elections passed the UP SEZ Act 2002. The state government described it as a policy that would give a boost to infrastructure and industrial development, provide employment to large number of landless persons and produce goods for exports that would earn revenue for the state. The government with the Centre's permission through its Exim policy 2000-2001 enacted the UP Special Economic Zone Development Authority Act, 2002 in September to provide legislative sanctity to SEZs. The original Act made the state government responsible for both the acquisition of the required land and the establishment and functioning of all SEZs established in the state (UP SEZ Act, 2002). The Developer of the SEZ would be under the control of the state government. The SEZ "Authority" established by the Act was to be a government-controlled corporate body headed by the Chief Secretary to the government of UP – designated as the CEO - and a number of senior government officers namely the Finance Secretary, Agricultural Production Commissioner, Industrial Development Commissioner, Planning Secretary, Member of the Export Promotion Department, and the CEOs of Greater Noida, Noida, UPSIDC etc. and other officers who could be co-opted when needed. This body whose powers and responsibilities would be specified by the state government would be responsible for the development of a designated area as an industrial or urban economic zone (*Ibid.*).

The SEZ authority was also responsible for infrastructural facilities such as water, land, waste disposal and maintenance of all public conveniences for the developers within the designated area. It was to prepare a plan for the development of the Development Area, Techno-Economic Feasibility report or detailed project report for any project with other departments considered necessary for the development of the Zone and take measures to invite private investments for such projects and ensure its implementation. The SEZ authority was authorized to lay broad guidelines

regarding construction and development of SEZs in the state. Resolving disputes of a commercial nature between the agencies, providing services and consumers within the Zone is also the function of the Authority apart from any other functions assigned to it by the government (Ibid).

An important responsibility under the Act was the selection of a "Developer" for a part or whole of the infrastructure and other facilities of the Zone and suitable joint venture arrangements for development of different components of the Development Area including subsequent transfer of ownership of the project to the joint venture partner. The "Developer" of the SEZ could be a person or body of persons, company, firm or such other private or government undertaking, who develops, builds, designs, organizes, promotes, finances, operates, maintains, manages part or whole of the infrastructure and other facilities of the Zone. Most importantly the Developer was to be selected by the Authority notified by the State or central government. All transactions were to be carried out strictly on the basis of Centre's guidelines. Units to be established in the SEZ zones will enjoy a 10-year income tax holiday. All transactions within the SEZs will be exempted from trade-tax, purchase tax, mandi tax and local cess. Environmental clearances were to be granted at the SEZ level by the Authority subject to the Centre's concurrence. Along with the SEZs, the state government created the Taj economic zone, Kanpur economic zone and Purva economic zone to boost the industrial scene of UP (Ibid).

However, the most important responsibility of the Authority under the Act is acquisition of the required land in the SEZ by agreement, or through proceedings under the Land Acquisition Act, 1894. The state government was to acquire land for the corporates that wished to set up the SEZ. The Authority could sell, lease or otherwise transfer whether by auction, allotment or otherwise any land or building belonging to the Authority in the Development area, on such terms and conditions as it may think fit to impose, subject to any rules or regulations that may be made under this Act. The state government also issued land acquisition notifications, earmarked funds and finally invited promoters for developing three earmarked special economic zones of UP. These zones not only offer the largest basket of investment opportunities to investors but also open one of the most promising growth areas to the private sector (Ibid).

In August 2006 the Mulayam Singh government introduced a significant amendment in the SEZ policy through the Uttar Pradesh Special Economic Zone Policy, 2006. It decided to throw open the establishment and development of SEZs to the private sector in UP. (Atiq Khan "Special Economic Zones thrown open to private sector in UP" *The Hindu* New Delhi, August 2, 2006). This marked a qualitative shift from the earlier policy of the State Government that had taken several steps for setting up SEZs in Kanpur and Bhadohi (Sant Ravidas Nagar district). The new policy not only offered several incentives to private promoters and investors; it virtually abandoned the earlier proposal of setting up government supported SEZs at Kanpur and Bhadohi. The reason according to the Industrial Development Commissioner were several limitations in the old system, particularly undue delay in the tender process (Ibid).

However, a more important reason provided - which reveals the SP government's viewpoint - was, that for "making the products of the SEZs globally competitive and for providing world-class infrastructure facilities it was imperative to have the best companies investing their money in the proposed SEZs." (Ibid.). Critics have alleged that the Mulayam Singh government was keen to help a particular industrial house namely the Anil Dhirubhai Ambani Group (ADAG) obtain lucrative contracts such as setting up power houses, IT parks and export zones in the state. Anil Ambani is known to be close to Mulayam Singh Yadav, and also a member of the high-profile Uttar Pradesh Industrial Development Council (UPIDC) headed by Amar Singh. Amar Singh, the general secretary of the SP, claimed in 2006 that policies initiated by the newly formed UPIDC which included important members from the industrial and banking sector, together with adoption of

public-private partnerships, the Industrial, IT and Service Sector Investment Policy 2004 and SEZs had led to the 'unleashing of unlimited potential' of UP, and initiated an industrial turnaround and private investment more than even that of Gujarat (The Times of India, 5 December 2006).

The policy shift by the government is reflected in the type of applications that have been made since the amendment in August 2006. Prior to the UP SEZ Act the Central government had set up only one Multi-product SEZ in Noida and two in Moradabad. The Mulayam Singh Yadav government after assuming power in 2003 forwarded fifteen proposals, and the cabinet had in principle passed a number of them. On December 7, 2007 the Uttar Pradesh Government's Empowered Committee on Special Economic Zones forwarded ten more proposals to the Central Government for approvals. While one was from the UPSIDC at Tronica City in Ghaziabad. The rest were from the private sector and the focus has been on development of IT. Six are IT/ITeS sector-specific SEZs, which have been recommended for in-principle approval by Board of Approvals, including proposals by Wipro Ltd, Uppal Housing Ltd and Gallant Infrastructure Pvt. Ltd at Greater Noida, Sarva Mangal Realtech Pvt. Ltd and Jubilant Infracon Pvt. Ltd at Noida. Besides, two SEZs were to be set up in Lucknow by Ansal Properties & Infrastructure Ltd — one IT/ITeS SEZ and one biotech SEZ. These two proposals along with one proposal of Jhujhunwala Vanaspati Ltd and Hari Fertilisers Ltd for setting up of multi-services SEZ with a 25 megawatt captive power plant at Chandauli have also been recommended to the Union Government for in-principle approvals. ("UP Seeks Nod for 10 SEZs" The Hindu, New Delhi, December 8, 2007). But following protests in different parts of the country over land acquisition in 2006 and 07, the Centre has not approved any new SEZs so far.

#### *Politics of Vendetta and SEZs*

However, soon after assuming power on May 13, 2007 the BSP government headed by Mayawati in a cabinet meeting decided that all proposals sent to the centre for approval by the previous government would be reviewed ("Mayawati in Power, and not Afraid to Show it" The Sunday Express, New Delhi, June 2, 2007). It set up a high level committee of secretaries headed by the Industrial Development Commissioner to look into each SEZ and IT proposal of the previous government and various issues involving SEZs and give a report within two weeks. ("Not Just Anil, all SEZs and high-tech cities under review" The Indian Express, New Delhi, May 26, 2007). Two projects allotted to Reliance in UP have become the most controversial: the Dadri power project in Ghaziabad and the ADAG Reliance group Multi product 1,200 crore SEZ at Noida. The previous government had allotted 2100 acres of land for the former and 2,500 acres of prime land worth Rs 6000 crores for the latter. Though Reliance had yet to start work on the Dadri power project even after one year of signing the agreement, the Mulayam Singh government had gone ahead and approved the Noida SEZ also.

The ADAG Multi-product proposed SEZ had to be stopped as the BSP government in May 2007 decided to refer the project to the central government arguing that it violated existing central norms ("In Mayawati's UP, going gets tough for Anil Ambani's SEZ" The Times of India, New Delhi May 26, 2007). In August 2007 the government finally decided to reject the project arguing that it had violated the central rule that a SEZ cannot be allotted land if it is forcibly acquired from farmers who do not wish to give it up. So, even though the previous SP government had allotted 500 acres to Reliance, they cannot get the remaining 2,000 acres (The Times of India, August 19, 2007).

Second, a three-member committee had found that the project 'breached' the rule that SEZ can only be established on a continuous piece of land, having one entry and one exit point, as it was on two pieces of land with a road dividing the plots. The SEZ had not yet been considered by the central

government for approval, but the UP government decided to recommend scrapping it. This was decided despite a Union commerce ministry official pointing out that the amended SEZ rules of 2006 give the BoA the power to give the green signal to SEZs with contiguity problems, subject to conditions. These include construction of concealed over-bridges and underpasses by the developer between the different areas of the zone, divided by public utilities like roads or railway lines. On May 25, 2007, the ADAG also claimed that the proposed project met the contiguity norms with regard to land and was similar to Mukesh Ambani-led Reliance Industries' 12,500 acre SEZ in Gujarat.<sup>10</sup> The Dadri project also received much criticism as farmers agitated at the alleged low compensation rate for their farming land, acquired by the government as described little later.

The BSP government in 2007 issued a new amended SEZ policy keeping in mind the SEZ Rules 2006 issued by the central government (SEZ Policy 2007). While Part A deals with Fiscal Incentives and Facilities that the central government expects state governments to give to SEZs to foster a better industrial climate and opportunities for development; Part B more importantly deals with land allotment and selection of developers for the SEZ. Based on the policy decided by the central government on June 15, 2007 that there would be no sanction of SEZs on land "acquired compulsorily". Part B lays down that in future, the state government will not undertake compulsory land acquisition and private developers would have to "arrange/purchase" land on their own. All rules made by the central government would be applicable to land acquisition in future. If, however, the state government sets up an SEZ, then the government rules would apply to the land acquisition. The new policy laid down rules for development of SEZs under the public-private-partnership (PPP) model including the selection of the developer.

The State SEZ Policy, 2007 also offered two-way incentives and exemptions to promoters and investors in the form of selection of the developer and availability of land, and fiscal concessions. The development of SEZs has been divided into three regional categories. Category A includes Noida and Greater Noida. Category B means SEZs being developed within the jurisdiction of the development authorities. Included in Category C were other areas. While the nodal agencies for developing SEZs in categories A and B were Noida and Greater Noida, and the development authorities respectively, the UPSIDC has been designated as the nodal agency for Category C.<sup>11</sup>

Although the BSP government has argued that both the new policy announced in 2007 and the rejection of the proposed SEZs are based on the new guidelines prepared by the central government. Many commentators argue that political rivalry has played a role.<sup>12</sup> The Uttar Pradesh Development Council led by Amar Singh, was abolished soon after Mayawati came to power in May 2007 and a new one formed along similar lines headed by close aide Satish Mishra. ("Maya aide set to head UP advisory council" The Indian Express, New Delhi, November 14, 2007). Thus, the politics of rivalry and vendetta has affected the new policy of SEZs and delayed investment in the state.

#### *The Dadri Agitation: SEZ on agricultural land*

UP witnessed strong protests by farmers in mid 2006 against land acquisition and inadequate compensation for land acquired for the Reliance Dadri project in Ghaziabad. The central issue in the agitation is the use of prime agricultural land for SEZs. The Reliance Energy Group (REG) plans the world's largest gas based 3,500 MW power plant to be located not on waste or marginal land, but on agricultural land at Dadri, Ghaziabad. During the Mulayam Singh regime REG acquired over 2,100 acres of land in 2006 and was aggressively pursuing the acquisition of 400

<sup>10</sup> Noida SEZ meets norms, says Anil Ambani Rediff.com May 25, 2007

<sup>11</sup> For details see SEZ Rules 2007.

<sup>12</sup> See the comments in The Times of India, New Delhi, August 19th, 2007

more acres in seven villages in Dhaulana block; though experts say 700-800 acres would be sufficient. The gas-based power generation project is estimated eventually to cost over Rs 10,000 crore. It is alleged that the farmers to whom the lands belong were totally unaware of the "acquisition" till the foundation stone was unveiled.<sup>13</sup>

On July 7-8, 2006 residents of village Bajhera Khurd in Dhaulana block of Ghaziabad district in UP protested against government acquisition of land for the Anil Ambani-owned REG and demanded better compensation for the land. It is alleged that the Uttar Pradesh Provincial Armed Constabulary (PAC) used force to stop the movement injuring many, including women, disabled, and old people, vandalizing/looting property worth lakhs of rupees. While state-owned land was to be given to REG on a renewable lease for a period of 99 years at minimal cost, the forced acquisition of private land under the Land Acquisition Act by the state government was to be paid for by the company. Significantly, the state government discounted nearly 40 per cent of the land cost to REG as part of its industrial policy to attract greater investments. While a subsidy was being given to REG, the farmers whose land was being acquired by the state government were told that they would be paid Rs. 150 per square yard (1 acre = 4,840 square yards). The farmers demanded the market price, reportedly Rs 500 per square yard, and agitated against the low compensation package. After several months of protesting at the offices of the local administration in vain, the farmers began a hunger strike and dharna on the outskirts of Bajhera Khurd on November 25, 2005. In July 2006, eight months into the dharna, a few were forced to accept the meager compensation extended by the government for fear of the threat held out by goons, police, and local administration. Nonetheless most villagers pulled off the boundary fencing set up by REG and decided to plough their land.

The Jan Morcha formed by the former PM V.P.Singh and Raj Babbar in UP has supported the agitation. Singh has argued that he is not against the establishment of SEZs but *the manner in which they have been established*. Further, the agitation in Dadri is about the "model of development" to be pursued. In an interview in October 2007 Singh demanded a six-month moratorium and national referendum following which the government could frame detailed guidelines for implementation of the policy. Emphasizing on the need for a Regulatory Authority for evolving guidelines and monitoring policy implementation that should include representatives of farmers' organizations and social activists. He proposed a number of guidelines for SEZs that would lead to an "inclusive approach" benefiting all sections. 1) The SEZ developers should negotiate directly with the farmers to arrive at a mutually agreeable compensation; 2) Land should not be appropriated using the might of the government; 3) A law must be passed - not merely statements from the government - that fertile land or double-cropped land will not be given to SEZs; 4) Farmers and their families displaced should not only get jobs but also a proprietary stake in the SEZs (Frontline 2007:6).

The Jan Morcha has strongly opposed the use of prime agricultural land in UP for SEZs. Alleging that there was no competitive bidding for the Dadri project seen in the low price paid by Reliance for the land acquired. Singh has held that prime agricultural land close to 100,000 acres has been taken over by the UP government for which the farmers have been given the low price of Rs 150 per square yard in Dadri. The same land without any development has been valued at Rs 5,700 per square yard by Reliance on the basis of which it has asked for a bank loan. Moreover, every village has 25 to 30% landless labour who will lose jobs, which makes the current method unjust. Describing the present policy as one of virtual confiscation of agricultural land without adequate compensation. He held that "the government is acting as the muscleman of the corporate powers to usurp the land of the farmers" The government does not appropriate power or steel or cement in the

<sup>13</sup> 21/09/06 Land Grab and "Development" Fraud in India, Analytical Monthly Review.

name of development because here industrialists are involved. He warned that the manner in which SEZs are being set up could be a "trigger for social unrest" leading to the spread of even Naxalism. (Ibid: 7).

Despite the agitation the Mulayam Singh Yadav government decided to go ahead with the project<sup>14</sup> and the Dadri Foundation stone was laid in Dehra village at Ghaziabad on August 23, 2006.<sup>14</sup> Opposing this move V.P. Singh held that Mulayam had created an "economic oligarchy" and accused him of 'sacrificing the interests of the farmers for the sake of an industrialist' to whom he has handed over the state.<sup>15</sup> The agitation by farmers supported by the Jan Morcha continued despite the use of force by the police. On January 10, 2007 V. P. Singh was detained on the Delhi-Noida border while trying to proceed towards Sikandarabad to attend a protest rally against the Reliance Energy power project at Dadri.

Following strident agitations by farmers in many parts of the country including UP, the central government decided in September 2006 to reconsider policies governing SEZs particularly those dealing with land acquisition (Manjari Mishra *The Times of India*, New Delhi September 28, 2006). The Congress party leadership expressed its reservations on the manner in which land was being acquired in many parts of the country disregarding farmers' interests, leading to new guidelines being issued by the Commerce Minister Kamal Nath for setting up these zones. Two rules laid down by the government proved to be a setback for Mulayam Singh as 19 proposals for SEZ in different stages submitted by his ministry awaited clearance from the Commerce Ministry. The empowered group of ministers (EGoM) set-up for supervising the implementation of the SEZ policy decided to amend the SEZ rules providing for direct purchase of land by corporates for establishment of SEZs. Land that was compulsorily acquired by state governments could not be used for establishing SEZs. Second land that was agriculturally productive was also debarred.

In UP, barring the only functional SEZ at Moradabad and the two proposed zones in Bhadohi, three in Kanpur, one in Lucknow and one in Unnao, all the rest are located in either Noida and Greater Noida industrial area which is fashioned out of prime agriculture land. Moreover, land acquisition by the government has been going on since 2002 for the SEZ at Dadri, promoted by the ADAG and nearly 80% of the land for the project has been acquired and handed over although the project had received only an in-principle approval. In October 2006 the SP government was also worried that at the BoA meeting SEZ approval could be used as a weapon to settle political scores, as its relationship with the Congress party at the centre was not good due to a number of reasons. Central disapproval could mean shelving of a Rs 5,000 crore investment package (Frontline 2007:7). The Mayawati government as mentioned earlier has already reopened the Reliance case due to the farmer's agitations and the new rules made by the central government.

The problems in the SEZ policy in UP has also attracted public interest litigation. The Supreme Court decided on January 8, 2008 to examine the issue of acquisition of agricultural land for SEZs and other industrial projects. This was in response to a public interest lawsuit (PIL) filed by a voluntary organization Sahyog Samiti, representing the interests of affected farmers, that questioned the practice of acquiring cultivable land for setting up industrial projects particularly the legality of the land acquisition for a mega-power project at Dadri in UP being executed by the ADAG. The court gave relief to industrialist Anil Ambani's business house by ordering the deletion of its name as a respondent from the lawsuit and issued notices to the central and UP governments. For the project, the previous government led by Mulayam Singh Yadav had acquired nearly 903 hectares of agricultural land from farmers of seven villages in Ghaziabad district. As per the

<sup>14</sup> The Tribune, Chandigarh, August 24, 2006

<sup>15</sup> Interview of Singh August 9, 2006 on internet

notification issued for the purpose, the government had invoked Section 17(1) of the Land Acquisition Act, saying the land was required for the 'public purpose' of setting up the power project. The reference to Section 17(1) of the Act deprived affected farmers of their right to file their objections against the land acquisition, the lawsuit noted.<sup>16</sup> Thus the implementation of the SEZ policy in UP remains in abeyance due to politics in the state, farmer's agitations and judicial intervention.

### Conclusion

The attempt to establish SEZs in India is part of the globalization of the economy and freeing of internal controls following the SAP adopted in 1991. Our study shows that it has introduced a fundamental change in policies governing the use of land in the country. At independence land reform was undertaken to create a more equitable distribution of assets through a policy of land to the tiller. Although privately owned by independent peasant proprietors, agricultural land was protected, ceilings imposed and it could be used only for farming. However, following the Green Revolution and the initiation of capitalist farming from the mid 1960s, the re-distributive aspects of land reform were gradually relegated to the background. By the late 1980s some state governments were moving towards removing protection to agricultural land enabling private capital to set up industries. In short, a post-Green Revolution phase in which fertile agricultural lands were beginning to be used for industry had already appeared in the 1980s and 90s. But the establishment of SEZs on agricultural land since the early 2000s has introduced a new form of export-driven industrialization in protected enclaves by the private sector, in place of the earlier model of state-led industrial development. It marks a reversal of the redistributive policy of land to the landless, adopted at independence and will lead to transfer of land from farmers to private industry.

While SEZs have been established in many countries and various aspects such as tax benefits, incentives, the powers and responsibilities of developers need to be examined. Our study argues that in India a major problem has been the compulsory acquisition of vast areas of land by the state for the establishment of these zones. While different estimates exist of the amount of land that needs to be acquired, all of them agree that it is substantial and will affect the fortunes of the farming community. New legislation has been passed to help the state acquire land under the Act of 1894 passed by the colonial government that allows compulsory acquisition under the broad umbrella concept of "public purpose". Equally important most SEZs have been set up on fertile agricultural land under cultivation. This will impact upon the livelihood of the farming community including landless labour who with disappearance of agricultural lands will lose their employment.

Scholars have also pointed out that establishment of SEZs will affect food security as lands used for growing food crops are being diverted to industrial purposes. Already the area under food crops in the country is falling and SEZs will accentuate the problem. Although many commentators have called for their establishment on wasteland it is not possible as successful implementation of an SEZ needs water, proximity to air or rail facilities or a seaport as well as infrastructure. Private companies are not prepared to establish SEZs in backward and barren areas where these facilities are not available. The compensation and rehabilitation policies of the government are also deeply flawed, as farmers do not get market value for the land acquired. Nor is there any compensation provided for other stakeholders such as tenants, sharecroppers or landless labour. Although the

<sup>16</sup> Apex court to examine SEZ land acquisition, 8 January 2008, from <http://www.nerve.in/news>, visited on July 10, 2008.

central government has now ruled that land will no longer be compulsorily acquired and private developers will have to negotiate and buy land; critics argue that there are still many loopholes through which the government can help the former acquire land at a low price. These developments have led critics to argue that with globalization and the rise of a neo-liberal ideology, the nature and role of the State has undergone a fundamental change. A new collaboration has appeared between State and private capital in which the former is helping the latter to take over a scarce resource. In short SEZs are leading towards the corporatization of the Indian State.

These problems are visible in our analysis of attempts by successive governments in UP to establish SEZs in the state. An agrarian state, UP experienced considerable agrarian mobilization and a variety of movements led by peasants and farmers in the colonial and post-independence period. Land reform in the state was better formulated and implemented than in many other states due to the presence of leaders such as Charan Singh. The change in land policy is marked particularly because political parties whose avowed social base is among the lower castes/classes have been responsible for their introduction. While the attempt to establish Special Zones began as a state-sponsored effort by the Mayawati government in 2002 to set up industries in a backward region, provide employment and gain revenue through exports. In keeping with the globalization of the economy, both the establishment and running of SEZs since 2006 has been handed over by the Mulayam Singh government to the private sector. Areas such as NOIDA, Greater NOIDA and Dadri have been designated as regions where these will set up. While this policy has attracted large number of private industries it is clear that the attempt has been to favour the ADAG of companies.

Large tracts of fertile, cultivable land have been compulsorily acquired by the state government at rates much lower than the market from farmers particularly in NOIDA and Dadri where the ADAG is setting up SEZs. Some of this was acquired even before the central government had given its approval for the establishment of the SEZs. The compulsory acquisition of agricultural land at Dadri at low rates by the Mulayam Singh government led to violent protests by farmers in mid 2005. They have been supported in their agitation by the Jan Morcha formed by V.P. Singh who has called for formulation of more 'inclusive' guidelines for land acquisition and establishment of SEZs by a regulatory authority which should include farmers and activists as members; ban on compulsory acquisition of land and legislation against use of agricultural land for SEZs.

The establishment of SEZs by private corporates in an underdeveloped state will increase existing inequalities and impact adversely particularly on the rural poor. It remains to be seen whether the SEZs will provide employment to the rural population in UP, which has low educational levels. Policies that provide displacement and compensation have not yet been formulated by the state government, which expects the central government to do so. Clearly the priorities of state governments in a situation of backwardness have been skewed. Rather than providing basic amenities through public investment such as education, employment, health and infrastructure in a backward state, the government has helped private industry assume control over scarce resources such as land and water.

In sum, the policy of SEZs has led to considerable criticism by scholars and activists and agitations by the farming community supported by political parties particularly those on the left. Even those who are not opposed to SEZs in principle have questioned the manner in which these zones are being set up and the impact they have had on the land policies of the country. They have the potential of creating rural violence due to loss of land and livelihood. The establishment of SEZs has significant implications for democratic politics; the issue could become important in the coming Lok Sabha elections. Clearly a review of the SEZs policy by the central government is urgently required.

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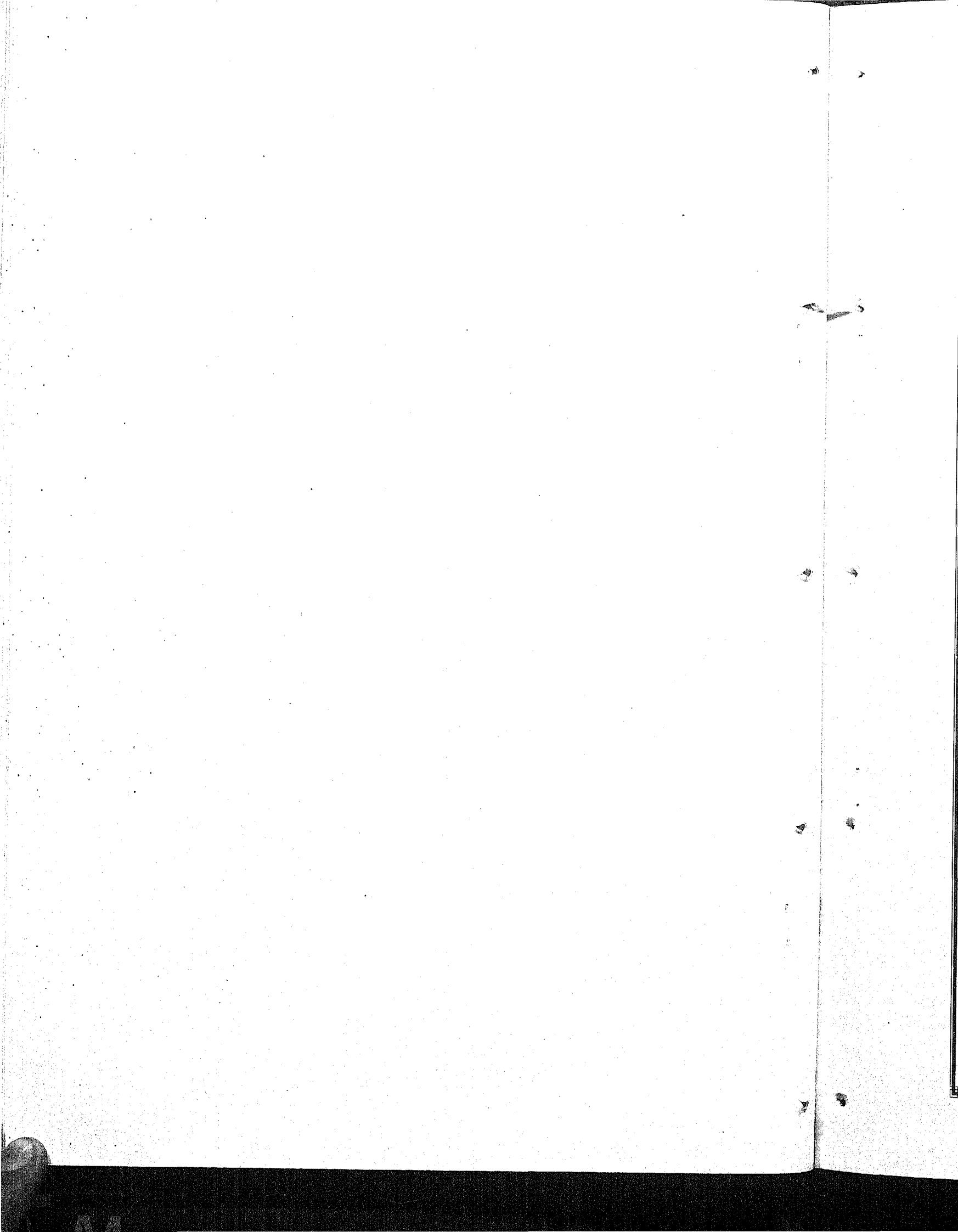
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## Functioning of Lease Market in Rural India Are Marginal and Small Farmers Discriminated?

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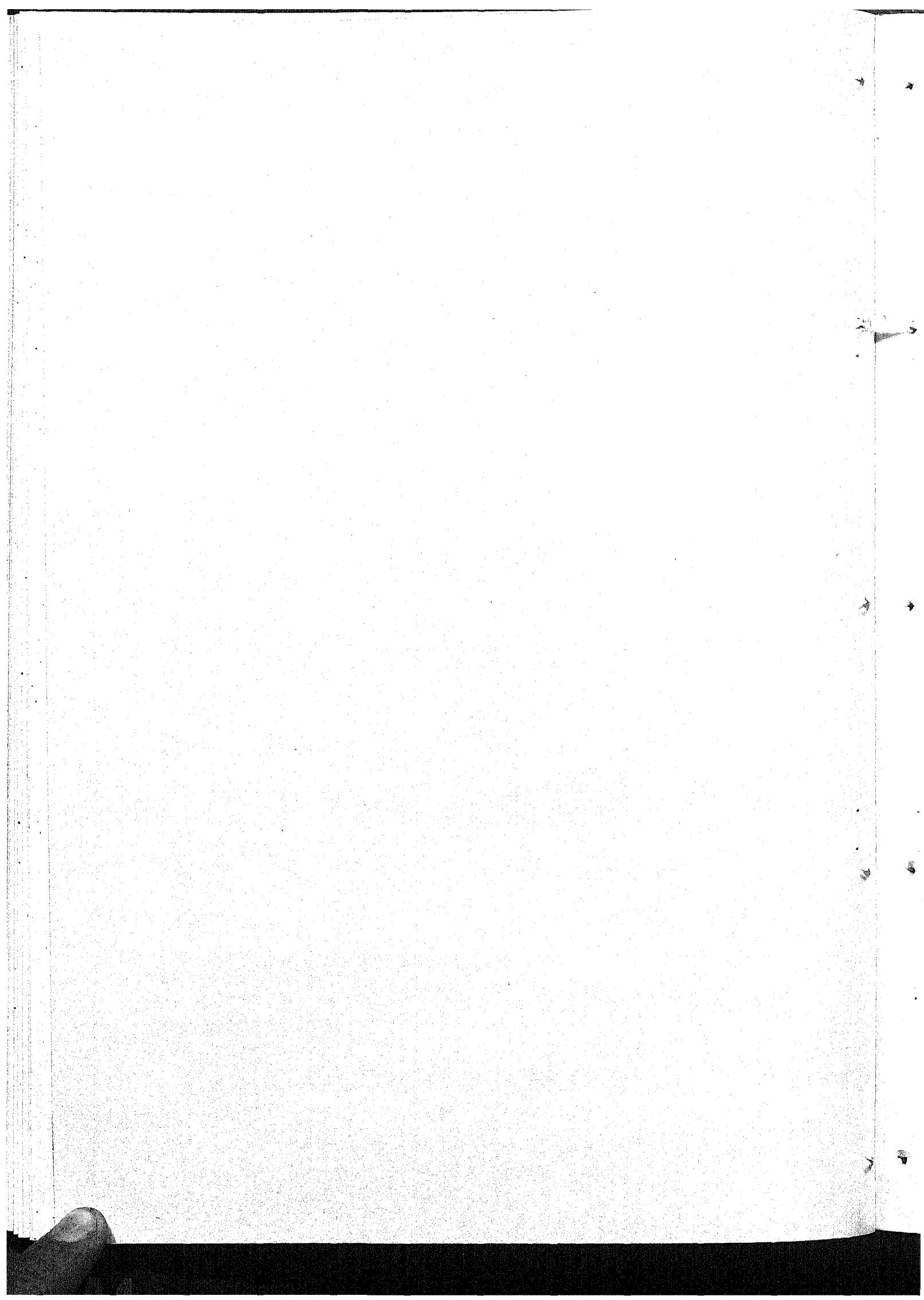


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## Functioning of Lease Market in Rural India Are Marginal and Small Farmers Discriminated?

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### Background

On the eve of Independence, tenancy relations were semi-feudal in most parts of the rural India. The peasantry under all varieties of settlements was exploited in terms of rack renting, insecurity of tenure, forced labour, usury, and so on. It has been estimated that about 30 per cent of the area in Bombay and Madras ryotwari was cultivated by sub-tenants (Dutt, 1976). In Madras, 14 per cent of agricultural population was landless tenants and 15 per cent were smallholders. The total number of tenants was estimated to be 1.5 million (AICC, 1949). The tenancy arrangements were in the nature of sharecropping and highly exploitative. Tenants were forbidden to grow certain crops and evictions were extremely common. Share tenancy as a mode of tenancy was more preponderant in zamindari areas. Tenants in Bombay Presidency cultivated land mostly on annual lease basis paying half the produce as rent, though higher rates of rent were no exceptions. Besides, tenants were subjected to all kinds of illegal exactions such as Khot faida, paid to landlords (Khots) in South Konkan. In north Kanara, it was estimated that in 105 villages over 30 per cent of the land was cultivated by tenants and 65 per cent of whom were share croppers with average rent ranging from one-half to two-thirds of the produce. Likewise, in Gujarat, under taluqdars' tenure (where taluqdars were the landlords) land leased was about 30 per cent (Fukazawa, 1982). In Punjab, tenants were generally either occupancy tenants or tenants at will. While occupancy tenants enjoyed permanent and heritable rights and paid land revenue to the state, tenants at will enjoyed no such rights and paid half the crop as land rent. A small percentage of tenants also paid cash rent which varied with the price of agricultural produce but approximated to half of the value of the crop. The cash rent was estimated to be Rs 10-12 per acre. In Bengal, the main categories of tenants were raiyats, under-raiyats and bargadars. Among all these categories, bargadars were the most important and cultivated about one-fourth of actual cultivated land (Sen, 1962; Chaudhary, 1975). It is estimated that out of the total land transferred from the cultivators between 1928 and 1940, 31.7 per cent was devoted to barga cultivation, 24.6 per cent was cultivated by under-raiyats and 5.7 per cent by employing hired labour (Floud, 1940, Vol. I).

### I

#### Evolution of Land Tenure Policy

Against the background of semi-feudal tenancy relations, the land lease policy of the post independent India got evolved through the recommendations of the Congress Agrarian Reform Committee, report of Panel on Land Reforms and successive Five Year Plans. Consequent upon the recommendations of different committees, following national guidelines were laid down to enact tenancy legislations: to provide security of tenure; fixation of fair rent, one-fourth to one fifth; landowners to be allowed to resume land for self-cultivation up to a limited area; the surrender of tenancy rights with mutual consent; disabled persons, defense personnel and such exemptions be allowed to lease-out land; the term personal cultivation should be clearly defined if landlords are allowed to evict tenants to resume land for self-cultivation; tenancy records should be corrected and oral tenancies should be abolished and on non-resumable land, the landlord-tenant nexus should be ended and tenants in these areas should be brought into direct contact with state. Following these

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guidelines, the tenancy legislations which were enacted and implemented in different states aimed at providing security of tenure, fixing fair land rent ranging from one-fourth to one-fifth of the gross produce, allowing landowners to resume land for self-cultivation up to a limited area and ending the landlord-tenant nexus on non-resumable land to bring tenants in these areas into direct contact with state.

According to provisions in tenancy legislations, major states can be classified into following broad categories. First, Kerala and Jammu & Kashmir have legally banned leasing out of agricultural land without any exceptions whatsoever. Second, in Telangana region of Andhra Pradesh leasing out of land by large holders is prohibited. Smallholdings are allowed to lease out land for a period of five years. In Andhra region, leasing is permitted but regulated. Third, Karnataka, Himachal Pradesh, Bihar, Gujarat and Uttar Pradesh have legally prohibited leasing out of agricultural land excepting by certain disabled categories like widows, minors, armed personnel, etc. Fourth, Punjab, Haryana, Maharashtra and Assam have not banned leasing. However, while in Punjab and Haryana tenants acquire right to purchase land after six years of continuous possession, in Maharashtra they acquire such right within one year of the commencement of tenancy. Leasing is also permitted in Tamil Nadu but the law stipulates that every contract should be in written form and in triplicate. A copy of the document is required to be deposited with the revenue officials. In Rajasthan, the landowners can lease out land for a non-renewable period of five years. Fifth, in Orissa all future leases were prohibited. However, past leases continue after surrendering half of the leased-in land to the landlords or rayat. In Madhya Pradesh, past leases were abolished but the future leases were permitted. Sixth, in scheduled tribe areas of Andhra Pradesh, Bihar, Orissa, Madhya Pradesh and Maharashtra transfer of tribal land to non-tribals even on lease basis, can be permitted by the competent authority.

The actual implementation has, however, fallen far short of the provisions of tenancy legislations. At the national level, 125.86 lakh tenants have been cumulatively conferred ownership rights till March, 2006 on area amounting to 167.14 lakh acres. A review of the enactment and implementation of tenancy legislations in different states shows that the fair rent was fixed much above the recommended levels; the definition of tenants often excluded share tenants who constituted a fairly large proportion of tenants; the ejection of tenants from their landholding was permitted on many pretexts and the provision for conferment of ownership rights on the tenants on non-resumable land was far from real. The tenants were allowed to surrender land voluntarily and the definition of personal cultivation did not include physical labour as was recommended by Panel on Land Reforms in 1956. In fact, in today's context, the tenancy laws in most states are functionless and are giving rise to concealed and illegal tenancy and in many ways hurting the interests of poor tenants.

## II The Issues

In the literature, it is argued that tenancy should be legalized to activate the land market with adequate safeguards to protect the interests of marginal and small farmers (Sharma, 2006). The well functioning lease market can contribute towards broad based rural development in several ways like facilitating land from less productive to more productive uses, encouraging rural households to take up non-farm jobs without the risk of losing their land and increasing investment incentives because those who make such investment can enjoy the benefits even if they do not use the land personally. As seen above, the tenancy laws were enacted to protect tenants, who were mostly poor and impoverished, from semi-feudal exploitation in terms of rack renting, forced labour, usury, insecurity of tenure, frequent evictions, and so on whose implementation left much to be desired. However, over the last fifty years, there has been a qualitative change in different aspects of

tenancy relations most ostensibly because of institutional, technological and demographic factors. Taking cognizance of the fact that restrictive and poorly implemented tenancy laws have led to perverse and un-intended consequences, the tenth five year plan called upon the states to re-evaluate their tenancy legislations. It says the ban on tenancy which was meant to protect tenants, has only ended up hurting the economic interests as they are not even recognised as tenants. As a result they are denied the benefits of laws that provide security and regulated rent. It further says that prohibition of tenancy has not really ended the practice. On the other hand, it has resulted in agricultural practices like underutilisation of land and keeping land fallow that are not conducive to increased production. This, in turn, depresses employment opportunities for the landless agricultural labourers. However, till today no state government has amended its tenancy laws. The main reason for not amending existing laws is the belief that the institution of tenancy works against the interests of small and marginal farmers and landless tenants. The most pertinent questions, therefore, are (i) whether in the changed context marginal and small farmers face discrimination in terms of amount of land leased-in, terms of tenancy, duration of tenancy contracts, and so on in comparison to their medium and large counterparts; and (ii) what are the implications of legalising tenancy for small and marginal farmers and landless tenants. The present paper addresses these two issues using evidence from recent micro studies from different regions of the country and NSS data on landholdings emanating from 48<sup>th</sup> and 59<sup>th</sup> rounds.

### III Evidence from Micro Studies

In this section we summarize evidence from more recent micro studies on different aspects of the functioning of lease market like magnitude of tenancy, type of tenancy, factors affecting leasing-in and leasing-out land, extent of reverse tenancy, effect of tenancy on input use and output produced, and so on. The studies show that the proportion of leased-in land is significantly higher than reported by both NSS and Census Data. In some cases, it is as high as 20-25 per cent of the gross cultivated area. Tenancy contracts are oral and for a short period. The proportion of leased-in land is higher in agriculturally developed regions compared to backward regions. All classes of households participate in the lease market both as lessors and lessees. However, while in backward agricultural regions, the traditional pattern is more common wherein the small and marginal farmers dominate lease market as lessees and large and medium farmers as lessors, in agriculturally advanced regions, the lease market is in a state of transition where all classes of households participate in leasing-in and leasing out land. The trend towards reverse tenancy is, however, more pronounced in most of these regions. Among crops, the proportion of leased-in area is high in case of non-foodgrain crops compared to food crops (Nair, 2006; Bansil, 2004).

Insofar as terms of tenancy are concerned, share tenancy with input cost sharing continues to be an important mode of leasing-in land, particularly for small and marginal farmers. Though output sharing ratios vary from state to state, most of the studies do report 50:50 or even less. The studies also show that the area leased-in for growing non-foodgrain crops is mostly under fixed money. Studies have also shown that tenants who lease-in land for cultivating cash crops are realising reasonable returns despite high rents. Further, while in agriculturally backward regions, share tenancy with input cost sharing is more common, in agriculturally developed regions fixed rent tenancy is more pronounced. The micro studies also seem to suggest that small and marginal farmers prefer to lease-in land under share tenancy with input cost sharing, mainly because of lack of resources to pay cash rent in advance under fixed money and their inability to bear entire risk of crop failure which has increased in recent times. More recent studies from Bihar, where tenancy relations are presumed to be more exploitative, also confirm the above findings both on magnitude and terms of tenancy. These studies have challenged the prevailing notion that north Bihar's agriculture is strapped by feudal production relations (Shah and Ballabh, 1998; Jha, 2004; Sharma, 2004).

The studies examining the effect of tenancy on the inputs used and output produced have thrown up mixed results. While some studies find lower use of inputs and low level of yields on the leased-in plots compared to owned plots, the findings of others are just contrary to these. An exhaustive survey of literature, however, suggests that there is no conclusive evidence to support the hypothesis that yields under share tenancy are lower than under owner farming or fixed rent tenancy (Otsuka, et al, 1992; Chattopadhyay and Sengupta, 2001, Awasthi, 2005). Likewise, there is also no conclusive evidence to indicate that the yield levels for households involved in interlocking of factor markets are lower than their counterparts not involved in such arrangements (Sharma, et al, 1995). Further, the findings broadly support the hypothesis that households of different size categories participate in lease market to utilise their indivisible, non-tradable and capital resources like family labour, bullock labour and machinery (tractors, bore wells) more optimally to reduce per unit cost of production (Siddiqui, 1999). None the less, a variety of other factors such as absentee land owners engaged in non-farm activities, inferior quality of land, inconvenient location of land, escalation in the cost of production, growing uncertainty, and so on are also reported to be obliging landowners to lease-out their land. There is also an anecdotal evidence to suggest that many farmers whose livelihoods are not depending on cultivation, including small and marginal ones, are either underutilizing their land or keeping it fallow in view of restrictive tenancy laws (Nair, 2006).

#### IV Evidence from NSS Data

The evidence from micro studies shows that tenurial relations have undergone qualitative changes in rural India during the last fifty years. The findings of these studies show that marginal and small farmers are no longer subjected to semi-feudal exploitation as was the practice during the fifties and the sixties. However, since findings of micro studies cannot be generalized for the whole state, we use state level NSS data to see whether the small and marginal farmers face discrimination in the functioning of lease market in terms of proportion of total leased-in area, terms of tenancy, their share in the total land leased-in and leased-out and duration of tenancy contracts. We begin with the leasing-in of land by holdings of different farm size categories. Table 1 shows that in 2002-03, the relationship between farm size and proportion of operated area leased-in, measured by correlation coefficient, was negative in ten major states (Assam, Bihar, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Orissa and West Bengal) in 2002-03 implying that holdings of lower size categories leased-in higher proportion of their operated area compared to those of higher size categories. In comparison, during 1991-92, the relationship was negative in nine states (Bihar, Gujarat, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Orissa, Tamil Nadu, Uttar Pradesh and West Bengal). It is, however, important to note that the proportion of leased-in area increased with the increase in farm size in seven states, namely Andhra Pradesh, Haryana, Kerala, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh. Table 2 further shows that in 2002-03 marginal and small holdings together accounted for more than 75 per cent of the leased-in land in seven states (Bihar, Himachal Pradesh, Jammu & Kashmir, Kerala, Orissa, Tamil Nadu and West Bengal) in comparison to three states (Bihar, Himachal Pradesh and West Bengal) in 1991-92. In two states (Assam and Uttar Pradesh) their share varied from 50 to 75 per cent while in four others (Andhra Pradesh, Karnataka, Madhya Pradesh and Maharashtra) it was between 25 and 50 per cent. In remaining states (Gujarat, Haryana, Rajasthan and Punjab), their per cent share was less than 25 per cent.

It is quite often argued in the literature that marginal and small holdings lease-in most of their land under share tenancy which is considered an inferior contractual arrangement compared to fixed rent tenancy. To look into these issues, we computed the correlation coefficients between farm size and

Table 1 Relationship between Farm Size and Proportion of Operated Area Leased-in (Correlation Coefficient), Major States: 1991-92 and 2002-03

State	1991-92	2002-03
Andhra Pradesh	0.3687	0.4736
Assam	0.8351	-0.1167
Bihar	-0.8664	-0.5320
Gujarat	-0.3117	-0.0437
Haryana	0.9803	0.5505
Himachal Pradesh	-0.8253	-0.4423
Jammu & Kashmir	-0.1684	-0.2196
Karnataka	0.4960	-0.1066
Kerala	0.8553	0.4498
Madhya Pradesh	-0.5163	-0.4129
Maharashtra	0.9515	-0.4391
Orissa	-0.7873	-0.5893
Punjab	0.8933	0.2979
Rajasthan	0.4627	0.7179
Tamil Nadu	-0.6525	0.8596
Uttar Pradesh	-0.8103	0.7087
West Bengal	-0.4786	-0.2626
All-India	0.6205	0.3053

Source: i. Report on Some Aspects of Operational Holdings; 48th Round 1991-92, Report No. 407

ii. Report on Some Aspects of Operational Holdings, 2002-03, 59<sup>th</sup> Round, NSS Report No. 492

Table 2 Classifications of States According to Share of Marginal and Small Holdings in the Total Area Leased-in, Major States: 1991-92 and 2002-03

Percent Share	1991-92	2002-03
More than 75 per cent	Bihar, H.P, W. B.	Bihar, H. P., J & K, Kerala, Orissa, T. N. W. B.
50-75 per cent	J & K, Kerala, Orissa, T. N and U. P.	Assam and U. P.
25 to 50 per cent	A. P., Assam and M. P.	A. P., Karnataka, M. P. and Maharashtra
Less than 25 per cent	Gujarat, Haryana, Maharashtra, Punjab and Rajasthan	Gujarat, Rajasthan, Punjab and Haryana

Source: i. Report on Some Aspects of Operational Holdings; 48th Round 1991-92, Report No. 407

ii. Report on Some Aspects of Operational Holdings, 2002-03, 59<sup>th</sup> Round, NSS Report No. 492

proportion of operated area leased-in under fixed money, fixed produce and share of produce. The results, given in Table 3, show that in 2002-03 in as many as eleven states (Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Maharashtra, Orissa, Tamil Nadu, Uttar Pradesh and West Bengal) the correlation coefficients were negative implying that lower farm size categories leased-in higher proportion of land under fixed money compared to their medium and large counterparts. In comparison, during 1991-92 relationship between farm size and proportion of operated area leased-in under fixed money was negative in ten states (Andhra Pradesh, Bihar, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Maharashtra, Orissa, Rajasthan and Uttar Pradesh). Likewise, the correlation coefficients between farm size and proportion of operated area leased-in under fixed produce were negative in as many as thirteen out of seventeen major states (Andhra Pradesh, Assam, Bihar, Himachal Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Orissa, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal) compared to 1991-92 when these were negative in eleven states (Andhra Pradesh, Assam, Bihar, Haryana, Himachal Pradesh,

Karnataka, Maharashtra, Orissa, Punjab, Tamil Nadu and West Bengal). And the relationship between farm size and proportion of operated area leased-in under share of produce in 2002-03 was also negative in thirteen states (Assam, Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Uttar Pradesh and West Bengal). In 1991-92, it was negative in nine states (Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab and Uttar Pradesh). The per cent share of marginal and small holdings in the land leased-in under fixed money, fixed produce and share of produce, presented in Table 4, shows that in 2002-03, marginal and small holdings accounted for more than 75 per cent of the total land leased-in under fixed money in six states, namely, Bihar, Kerala, Himachal Pradesh, Jammu & Kashmir, Tamil Nadu and West Bengal. In five others (Assam, Gujarat, Karnataka, Orissa and Uttar Pradesh), their share varied from 50 to 75 per cent. In eight states (Assam, Bihar, Kerala, Himachal Pradesh, Jammu & Kashmir, Orissa, Tamil Nadu and West Bengal) these holdings also accounted for more than 75 per cent of the land leased-in under fixed produce followed by Andhra Pradesh and Madhya Pradesh where it varied between 50 and 75 per cent. Insofar as their share in the area leased-in under share of produce was concerned, it was more than 75 per cent in seven states (Assam, Bihar, Himachal Pradesh, Kerala, Orissa, Uttar Pradesh and West Bengal), between 50 and 75 per cent in Jammu & Kashmir and Madhya Pradesh and varied from 25 to 50 per cent in Karnataka, Maharashtra and Tamil Nadu. On the other hand, during 1991-92, while the per cent share of these holdings in the land leased-in under share of produce was more than 75 per cent in only two states (Bihar and West Bengal), it ranged from 50 to 75 per cent in six others (Assam, Himachal Pradesh, Punjab, Orissa, Uttar Pradesh, and Tamil Nadu). In the remaining nine states, the marginal and small holdings accounted for less than 50 per cent of the total land leased-in under share of produce.

Table 3 Relationship between Farm Size and Proportion of Operated Area Leased-in Under Different Terms of Tenancy (Correlation Coefficient), Major States: 1991-92 and 2002-03

State	1991-92			2003		
	Fixed Money	Fixed Produce	Share of produce	Fixed Money	Fixed Produce	Share of produce
Andhra Pradesh	-0.2248	-0.4619	0.6588	-0.3161	-0.3867	0.3841
Assam	0.8711	-0.1954	0.0057	0.1729	-0.3130	-0.2555
Bihar	-0.6575	-0.7177	-0.7965	-0.4140	-0.4490	-0.3968
Gujarat	0.0861	0.0725	0.1879	-0.3042	0.4841	0.3360
Haryana	0.2526	-0.3185	-0.0991	0.6755	0.1530	-0.2325
Himachal Pr	-0.4574	-0.4918	-0.4117	-0.4493	-0.3051	-0.2398
Jammu & Kashmir	-0.1709	0.0248	-0.1970	-0.1622	-0.1056	-0.2123
Karnataka	-0.1902	-0.0744	-0.0110	-0.4665	0.1446	-0.3455
Kerala	-0.4342	0.00	0.2821	0.4730	-0.3899	-0.3237
Madhya Pradesh	0.6152	0.2670	-0.0469	0.3575	-0.4496	-0.3569
Maharashtra	-0.8449	-0.3272	0.7953	-0.2907	0.0378	-0.0714
Orissa	-0.6685	-0.4670	-0.8401	-0.2997	-0.3863	-0.4038
Punjab	0.8000	-0.3902	-0.342	0.3034	-0.0858	0.1748
Rajasthan	-0.0512	0.9431	0.1188	0.5189	0.6137	-0.0903
Tamil Nadu	0.2004	-0.6793	0.1417	-0.4325	-0.3163	0.9004
Uttar Pradesh	-0.6433	0.0635	-0.2702	-0.1023	-0.3965	-0.4332
West Bengal	0.9482	-0.5124	0.4770	-0.0821	-0.4339	-0.3649
All-India	0.8276	-0.2560	-0.5815	0.2090	0.3081	0.2761

Source: i. Report on Some Aspects of Operational Holdings; 48th Round 1991-92, Report No. 407

ii. Report on Some Aspects of Operational Holdings, 2002-03, 59<sup>th</sup> Round, NSS Report No. 492

The per cent share of households of lower size categories in the total land leased-in and leased-out has been shown in Table 5. The table shows that in 2002-03 landless, marginal and small households together accounted for more than 75 per cent of the land leased-in in seven states

Table 4 Classification of States According to Share of Marginal and Small Holdings in Land Leased-in Under Different Terms of Tenancy, Major States, 1991-92 and 2002-03

Per cent Share	1991-92	2002-03
Fixed Money		
More than 75 per cent	Bihar, H. P., J. & K., Kerala, Orissa and W. B.	Bihar, Kerala, H. P., J & K., T. N. and W. B.
50-75 per cent	U. P.	Assam, Gujarat, Karnataka, Orissa and U. P.
25 to 50 per cent	A. P., Assam, Punjab and T. N.	A. P. and M. P.
Less than 25 per cent	Gujarat, Haryana, Karnataka, Maharashtra, Punjab and Rajasthan	Haryana, Punjab, Maharashtra and Rajasthan
Fixed Produce		
More than 75 per cent	Bihar, H. P., J&K., T. N. and W. B.	Assam, Bihar, H. P., J&K., Kerala, Orissa, T. N. and W. B.
50-75 per cent	A. P., Assam, Punjab and U. P.	A. P. and U. P.
25 to 50 per cent	Haryana, Karnataka, M. P. and Punjab	A. P., Karnataka, M. P. and Maharashtra
Less than 25 per cent	Gujarat, Maharashtra and Rajasthan	Gujarat, Haryana, Punjab and Rajasthan
Share of Produce		
More than 75 per cent	Bihar and W. B.	Assam, Bihar, H. P., Kerala, Orissa, U. P. and W. B.
50-75 per cent	Assam, H. P., Punjab, Orissa, U. P. and T. N.	J & K. and M. P.,
25 to 50 per cent	A. P., J & K., Karnataka and Kerala.	Karnataka, Maharashtra and T. N.
Less than 25 per cent	Gujarat, Haryana, Maharashtra, Punjab and Maharashtra	A. P., Gujarat, Haryana, Punjab and Rajasthan

Source: (i) Report on Some Aspects of Household Ownership Holdings (1): 48<sup>th</sup> Round, 1991-92, NSS Report No. 399  
(ii) Report on Household Ownership Holdings in India: 59<sup>th</sup> Round, 2003, NSS Report No. 491

Table 5 Classification of States According to Share of Lower Category Households in Total Land Leased-in and Leased-out, Major States, 1991-92 and 2002-03

Per cent Share	1991-92	2002-03
Share of Landless, Marginal and Small Households in Total Land Leased-in		
More than 75 per cent	A.P., Assam, Bihar, Gujarat, H.P., J. & K., Kerala, M.P., Orissa, T.N., U.P., W.B.	Assam, Bihar, H.P., Kerala, Orissa, U.P. and W.B.
50-75 per cent	Karnataka, Maharashtra and Rajasthan	A.P., Gujarat, J&K., Karnataka, M.P., Maharashtra, and T.N.
25 to 50 per cent	Haryana and Punjab	Haryana, Punjab and Rajasthan
Less than 25 per cent	-	-
Share of Marginal and Small Households in Total Land Leased-out		
More than 75 per cent	Orissa	H.P., J&K. and T.N
50-75 per cent	A.P., Assam, Haryana, H.P., J&K., Kerala, T.N. and W.B	A.P., Assam, Bihar, Gujarat, Kerala, Orissa, U.P. and W.B.
25 to 50 per cent	Bihar, Gujarat, M.P., Punjab and U.P.	Haryana, M.P., Maharashtra and Punjab
Less than 25 per cent	Karnataka, Maharashtra and Rajasthan	Karnataka and Rajasthan

Source: (i) Report on Some Aspects of Household Ownership Holdings (1): 48<sup>th</sup> Round, 1991-92, NSS Report No. 399  
(ii) Report on Household Ownership Holdings in India: 59<sup>th</sup> Round, 2003, NSS Report No. 491

(Assam, Bihar, Himachal Pradesh, Kerala, Orissa, Uttar Pradesh, and West Bengal) In seven other states (Andhra Pradesh, Gujarat, Jammu & Kashmir, Karnataka, Madhya Pradesh, Maharashtra and Tamil Nadu), their share ranged between 50 and 75 per cent. In the remaining states (Haryana, Punjab and Rajasthan), it was between 25 and 50 per cent. In comparison during 1991-92, while in as many as

twelve states (Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Orissa, Tamil Nadu, Uttar Pradesh and West Bengal) landless, marginal and small households accounted for more than 75 per cent of the total leased-in land, it varied from 50 to 75 per cent in Karnataka, Maharashtra and Rajasthan. Insofar as the per cent contribution of marginal and small households in the leased-out land was concerned, during 2002-03 it was more than 75 per cent in three states (Himachal Pradesh, Jammu & Kashmir and Karnataka) followed by eight others (Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Orissa, Uttar Pradesh, and West Bengal) where it varied from 50 to 75 per cent. In four states (Haryana, Madhya Pradesh, Maharashtra and Punjab) these households supplied between 25 and 50 per cent of the total leased-out land. In 1991-92, these households accounted for more than 75 per cent of the total land supplied in the lease market in Orissa while in seven states (Andhra Pradesh, Assam, Haryana, Himachal Pradesh, Jammu & Kashmir, Tamil Nadu and West Bengal) they contributed between 50 per cent and 75 per cent.

The relationship between farm size and the proportion of land leased in under contracts of different durations has been brought out in Table 6. The table shows that practically in all the states and for both the years lower size holdings leased-in higher proportion of operated area under contracts of all durations. Coming to per cent share of marginal and small holdings in the land leased-in under contracts for different durations, Table 7 shows that in seven states (Himachal Pradesh, Karnataka, Kerala, Orissa, Tamil Nadu, Uttar Pradesh and West Bengal) more than 75 per cent of the land leased-in for less than two years was accounted for by such holdings followed by states like Andhra Pradesh, Bihar, Madhya Pradesh, Gujarat and Jammu & Kashmir where share of these holdings varied between 50 and 75 per cent and Karnataka and Maharashtra where it was between 25 and 50 per cent. In land leased-in for a period of 2 to 5 years, these holdings accounted for 50 to 75 per cent of such land in Himachal Pradesh, Jammu & Kashmir, Tamil Nadu, Orissa and West Bengal followed by Assam, Bihar, Kerala and Uttar Pradesh where their share varied between 25 and 50 per cent. In case of land leased-in for more than five years, the per cent share of small and marginal holdings was more than 75 per cent in six states (Andhra Pradesh, Jammu & Kashmir, Karnataka, Orissa, Tamil Nadu and West Bengal) and between 50 and 75 per cent in four states (Assam, Bihar, Himachal Pradesh and Kerala). In Karnataka, Maharashtra and Tamil Nadu, the per cent share of such holdings varied from 25 to 50 per cent.

Table 6 Relationship between Farm Size and Proportion of Operated Area Leased-in Under Contracts of Different Duration (Correlation Coefficient), Major States: 1991-92 and 2002-03

State	1991-92			2003		
	Less than 2 Yrs	2 to 5 Yrs	More than 5 Yrs	Less than 2 Yrs	2 to 5 Yrs	More than 5 Yrs
Andhra Pradesh	-0.1691	0.3081	0.4570	-0.4344	-0.00	-0.2401
Assam	0.6664	-0.3679	-0.3995	-0.5384	-0.2919	-0.2586
Bihar	-0.3363	-0.5549	-0.5558	-0.2584	-0.2290	-0.2707
Gujarat	-0.2072	-0.7908	-0.8180	-0.2186	-0.0293	-0.1157
Haryana	-0.8786	-0.3623	-0.3623	-0.2264	-0.2487	-0.4658
Himachal Pr	-0.4112	-0.4616	-0.6111	-0.3906	-0.3066	-0.4169
Jammu & Kashmir	-0.3139	-0.4890	-0.4526	-0.3127	-0.2833	-0.2272
Karnataka	-0.5494	-0.3989	-0.4167	-0.1897	-0.0046	-0.3270
Kerala	-0.5835	-0.5449	-0.5428	-0.2766	-0.2713	-0.3749
Madhya Pradesh	-0.5975	-0.4127	-0.4869	-0.4380	-0.1563	-0.3194
Maharashtra	-0.5503	-0.3533	-0.5038	-0.0139	-0.2051	-0.5031
Orissa	-0.6067	-0.5064	-0.3942	-0.3882	-0.4687	-0.4170
Punjab	-0.5899	-0.2100	-0.3762	-0.1549	-0.1091	-0.2768
Rajasthan	-0.5595	-0.3120	-0.5482	-0.2444	-0.3795	-0.1304
Tamil Nadu	-0.5072	-0.5198	-0.5257	-0.4295	-0.2456	-0.2609
Uttar Pradesh	-0.5926	-0.5083	-0.5546	-0.5051	-0.3311	-0.2155
West Bengal	-0.5503	-0.5543	-0.6072	-0.3637	-0.3533	-0.4753
All-India	-0.5884	-0.5802	-0.5886	-0.1960	-0.2096	-0.2328

Source: i. Report on Some Aspects of Operational Holdings; 48th Round 1991-92, Report No. 407

ii. Report on Some Aspects of Operational Holdings, 2002-03, 59th Round, NSS Report No. 492

Table 7 Classification of States According to Share of Marginal and Small Holdings in Area Leased-in Under Tenancy Contracts for Different Duration, Major States: 1991-92 and 2002-03

Per cent Share	1991-92	2002-03
	Less than 2 Years	
More than 75 per cent	Bihar, W. B. and J&K.	H. P., Karnataka, Kerala, Orissa, T. N., U. P. and W. B.
50-75 per cent	Assam, Orissa, H. P., Kerala, T. N. and U. P.	A. P., Bihar, M.P., Gujarat and J&K.
25 to 50 per cent	A. P. and M. P.	Karnataka and Maharashtra
Less than 25 per cent	Gujarat, Haryana, Karnataka, Maharashtra, Punjab and Rajasthan	Haryana, Punjab and Rajasthan

## V Conclusions and Implications

The evidence from recent micro studies from different regions shows that the incidence of tenancy and its terms and conditions vary according to levels of agricultural development and the types of crops grown. These studies also show that households of all size categories lease-in land, *inter alia*, to utilize their indivisible and non-tradable inputs more efficiently and benefit from new agricultural technology. In fact, we have not come across any recent study to suggest that marginal and small farmers face more onerous terms and conditions of tenancy as compared to their medium and large counterparts. The state level evidence from NSS data broadly lends support to the findings of micro studies. For example, the relationship between farm size and proportion of operated area leased-in was negative in more than half of the major states implying that holdings of lower size categories lease-in higher proportion of their operated area. Likewise, the relationship between farm size and proportion of operated areas leased-in under different terms of tenancy was also negative in most of the states further suggesting that holdings of lower size category lease-in higher proportion of land not only under share of produce but also under fixed money and fixed produce. The data also shows that in as many as fourteen major states more than half of the leased-in land was accounted for by landless, marginal and small households. More importantly, however, in as many as eleven states marginal and small households also contributed more than half of the total land supplied in the lease market. This suggests that in most of the states a preponderant majority of both the lessors and lessees belong to households of lower farm size categories. Further, in case of land leased-in under contracts of different durations, while the share of marginal and small holdings in the land leased-in for less than two years was more than half in as many as twelve states, these holdings also accounted for more than half of the land leased-in for a period of 2 to 5 years in nine states and that leased-in for more than 5 years in ten states. In net terms, there is no evidence to suggest that small and marginal farmers face discrimination and are subjected to onerous terms and conditions in the functioning of lease markets. The available evidence suggests that the functioning of lease market is broadly guided by the principles of demand and supply rather than extra-economic considerations which were the hallmarks of the lease market in the fifties, sixties and early seventies when tenancy legislations were enacted.

In view of above, the existing tenancy laws should be amended to legalize tenancy. The amended laws should provide for separation of ownership rights from use rights making ownership rights non-alienable and secure and use rights freely tradable in the market. The amended laws should also incorporate safeguards like fixing the tenure of lease, recording of lease and allowing landowners to resume land for self-cultivation after the expiry of lease. Of course, legalization of tenancy must precede computerization of land records. The legalization of tenancy will create enabling institutional environment for the revival of agricultural sector and will have positive implications for small and marginal farmers and landless tenants. First, the tenants will be entitled

to all benefits that are provided in the existing laws like fixation of fair rents inasmuch as they will be recognized tenants under law. Second, it will activate land market allocating land from less productive uses to more productive uses. Third, if ownership rights are made inalienable and landowners are allowed to resume their land for self cultivation after the expiry of lease without any encumbrances, they will not oppose registration/recording of tenancy by the tenants. And the lessees, particularly landless lessees, can avail bank credit against the registered/recording tenancy. Fourth, it will persuade households of all size categories to take up non-farm jobs without the fear of losing their land, especially those for whom cultivation is not essential for livelihood but are not prepared to surrender their rights over land. Fifth, it will encourage landowners to invest on land in that those who make such investments can enjoy the benefits, even if they are not in a position to use the land personally. Sixth, in net terms, legalization of tenancy will go a long way in improving performance of agriculture, generating income and employment opportunities for rural poor and, in the ultimate analysis, promoting inclusive growth.

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6

## Land Reforms and Dalits in Uttar Pradesh: Some Reflections

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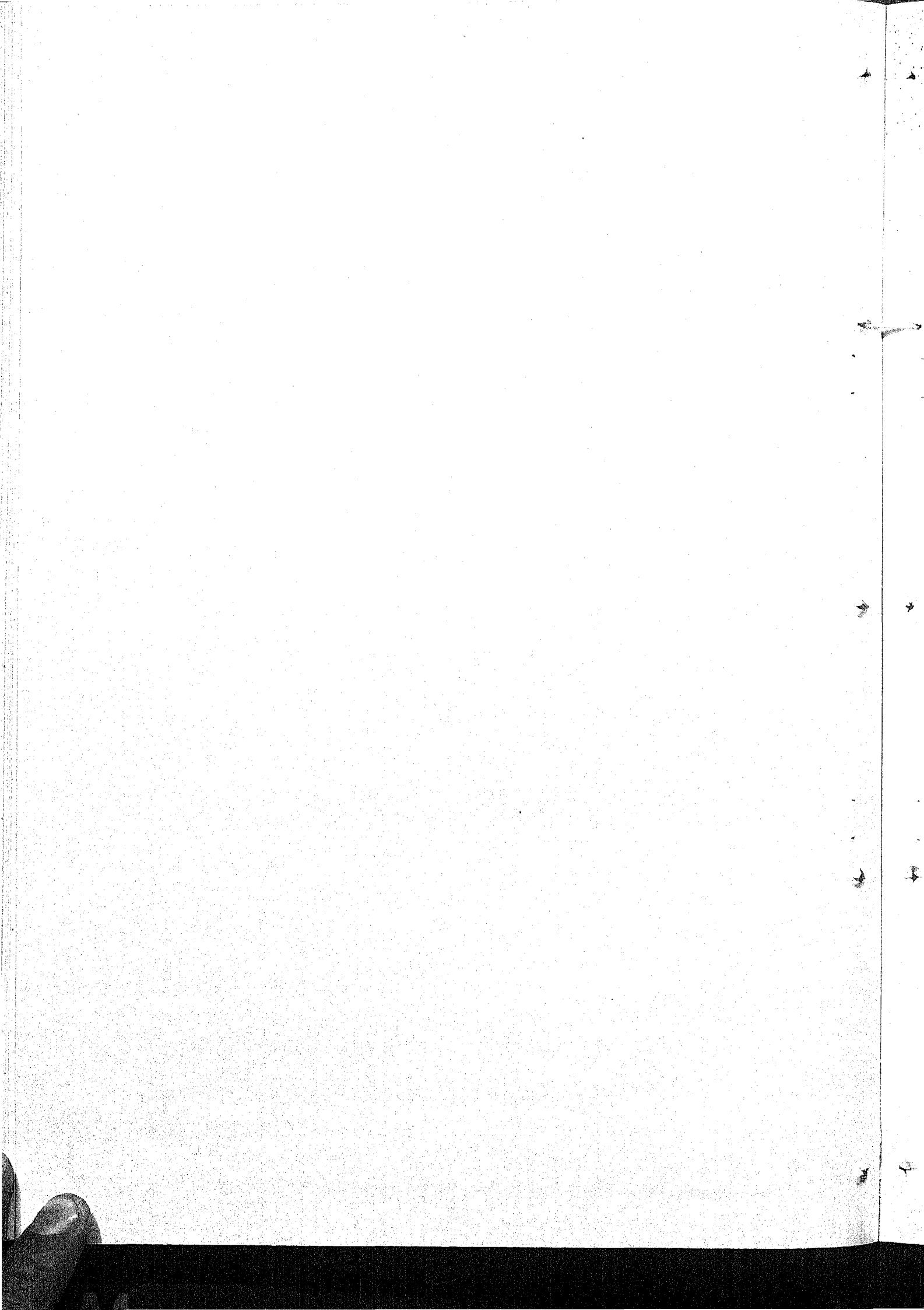
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**Land Reforms in Uttar Pradesh : Retrospect and Prospects**

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## Land Reforms and Dalits in Uttar Pradesh: Some Reflections\*

-Prashant Kumar Trivedi<sup>†</sup>

Land reforms, the 'forgotten agenda' is once again surfacing. Perhaps it is because the discourses around land acquisition for industries and consequent protest movements have once again forced the social scientists to revisit it. Besides, nowadays voices for land reform are coming from a very strange corner, the World Bank. It would have impressed even those who till recently in their euphoria of double digit growth rate of Indian economy considered it as something that belongs to past. There are other fundamental reasons for which land reforms can not be either bypassed or sidelined. It keeps coming up like an 'unfinished agenda'.

Land still remains focal point in the discourse regarding rural India as social stratification and existence of social classes is based on land. Caste system is also rooted in the agrarian relations as there are landowning castes, cultivating castes and non-cultivating castes. Even after limited diversification of employment, land continues to be pivotal asset for vast majority of people, especially in states like Uttar Pradesh, around which socio-economic privileges and deprivation revolve. Incidence of poverty is also directly related to land possession. Kozel and Parker (2003:392) note that poverty falls as land ownership rises and many of the poorest household own little or no land. Pushpendra (2000: 48) rightly pointed out that "Holding landed property also gives a sense of security, greater opportunity to capitalize on rural development programmes, including poverty alleviation programmes, and greater scope for diversification of occupations in non-farm sector as well." It is quiet obvious that land ownership has significant bearing on access to education, health and other important components of social development. Studies have also shown the relationship between untouchability and violence against Dalits and land ownership. Households having no land or very small piece of land are forced to work as wage labour on fields generally owned by landed class or provide services demanded by privileged. This dependence of Dalits on non-Dalits further weakens their relative position and leaves very little room for Dalits to oppose discrimination practiced against them. In this kind of situation where social and cultural discrimination is also rooted in land relations, land becomes more important asset for Dalits.

### Land Reforms in Uttar Pradesh

Uttar Pradesh is the most populous state of India having a population of more than 166 million and if compared in terms of population with other countries of the world, it stands only

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China, India, Indonesia, Brazil, Russia and the USA (Dreze and Gazdar, 1997:34). An estimated 8 percent of world's poor live in UP alone (Kozel and Parker, 2003:385). There has been a gradual change in employment scenario over a period of time and diversification has taken place with slow pace of urbanization. Even then high dependence on agriculture has maintained supremacy of agricultural land as an economic, social and political asset. Traditionally, caste hierarchy coinciding with land ownership pattern gave strong footing to an economic, social and political system in this part of the country that not only intermingles but also reinforces each other. The highly stratified and repressive agrarian and socio-political structure played a deterrent role in the development of agriculture as hierarchy of caste system was based on distance from real productive activity. In this background, after independence, land reform programme was launched to the break highly concentrated land ownership pattern and end landlessness.

Many social scientists call it 'elite sponsored reforms' designed to break agricultural stagnation and end rural unrest. It was not aimed at radical transformation and give land to the tiller. So to reconcile the interests of landed class and poor peasants ruling elite of the country chose to go ahead with limited land reforms. This mainly benefited intermediate class of superior tenants who were opposed to the continuance of the feudal landed system and aspired to join privileged class of independent proprietors. Simultaneously this class opposed further restructuring of land ownership and distribution of land in favour of rural poor. Consequently landless and poor peasants remained outside the benefits of these reforms because they could not mobilize themselves as a class. "Thus agrarian reform has only contributed towards the restructuring of the landed class, more specifically the ousting of a paternalistic, and feudal landed class by a more production-oriented but aggressively acquisitive landed class" (Pai, 1986).

"Abolition of 'Zamindari', redistribution of surplus land, tenancy reforms and land consolidation are the four important components of comprehensive land reform" (Ballabh and Walker, 1992).

### **Abolition of Zamindari**

Uttar Pradesh was among the first states that initiated land reforms programme soon after independence. Enactment of 'Uttar Pradesh Zamindari Abolition Act, 1950' was a major step towards this end. Though statutory status and role of zamindars in revenue collection was abolished but very lengthy and time consuming process and loopholes in the legislation gave them enough opportunity to save their land. Many *zaminadars*, *talukdars* and other intermediaries got enough time to either transfer their land to relatives or family controlled trusts; temples etc or sell it off. *Benami* transaction was another means applied at a large scale to save the landed property. In this process, superior tenants- occupancy tenants, hereditary tenants and ex-proprietary tenants-

got free hold occupation on admissions land but inferior tenants- sharecroppers, tenants at will, contract farmers-engaged in cultivating 'khudkasht' (personal cultivation) land simply lost access to it. "Due to conferment of *Bhumidhari* right (free hold) upon superior tenants the latter [ex-intermediaries] got physical hold on land under personal cultivation, while the legal ban on leasing out land for cultivation meant that the inferior tillers lost access to cultivable land (Das, 2000). Sharma (2005) notes, "The spurt in the number of agricultural workers in the wake of the first phase of land reforms was a manifestation of this reality". This comment was made in the context of Bihar but it also indicates development in Uttar Pradesh too.

Another glimpse of this changed scenario could be seen in the comparison of share of zamindari with that of control over total land in post-independence India. Though Thakurs lost a substantial part of their land in post independence period but even then they remained big landowners. Before independence they controlled 34 percent of the zamindari rights but their share in total land came down to 19 percent in post independence period. This figure itself indicates that they still had larger land as compared to their proportion in the population. Maximum part of the land lost by Thakur zamindars went to four major backward castes Yadavs, Kurmis, Lodhas and Gujars. Their share in the land increased by 6 percent to 20 percent. Total share of OBC's in post independence Uttar Pradesh reached to 38 percent from 8 percent of zamindari rights controlled by them before independence (Hasan, 1989: 197). Several reports notes that a large part of Dalits remained functionally landless i.e. either they were absolutely landless or had a small piece of land insufficient for the livelihood.

#### **Consolidation of Land**

Implementation of land reforms and its impact varies across the regions of the states. UP could achieve comparatively better performance in terms of land consolidation. This achievement laid foundation for the success of Green Revolution in western Uttar Pradesh where large part of land is owned by cultivating castes like Jats and Gurjars. Upto November 2005, 587.66 lacks acres of land was consolidated in the state. In many parts of the state second round of land consolidation process is going on.

#### **Redistribution of Ceiling Surplus Land**

Uttar Pradesh government applies a ceiling of 7.3 ha, 10.95 ha and 18.25 ha on irrigated with two crops, irrigated with one crop and dry land respectively. Implementation of ceiling laws and distribution of surplus land could not yield desired results in Uttar Pradesh. In the state only 5, 55,350 acres of land was declared surplus, that was only 1.18 percent of total agricultural land in 1985-86 and less than seventy percent of it was distributed among landless. As part of these reforms, gram sabha land was distributed among landless households. Compared to the

distribution of ceiling surplus land, the programme of distribution of land vested with gram sabhas has been fairly extensive. Land allotment of over 9, 00,000 hectares was made to 26, 50, 000 households. Of the total number of beneficiaries; 58.4 percent were SCs and STs, 23.3 percent were OBC, and 18.3 percent belonged to other castes. Significantly, the allotted land amounted to 5.09 percent of area in operated holdings in 1990-91 and the beneficiary holdings were 13.2 percent of the total holdings in the state (Lieten and Srivastava, 1999: 43).

Table-1

Distribution of arable 'Gram Samaaj' land in U P up to October 92	
Total area of distributed land	9,19,256 hectares
No. of total beneficiaries	26,57,573
No. of Dalit beneficiaries	15,48,266
Land distributed to Dalit beneficiaries	6,30,335 hectares
No of Dalit occupants	15,45,174
Land occupied by Dalits	5,22,399 hectares
Distribution of ceiling surplus land	
No. of SC/ST beneficiaries	2,13,641
Land distributed to SC/ST beneficiaries	2,48,157 acre
Land distributed to other landless	1,13,678 acre

Source: U P ki Dalit Jatiyon ka Dastavez, Mata Prasad, Delhi Kitab Ghar, New Delhi, 1995

Besides allotting Gram Sabha land to Dalits, ownership rights of land occupied by Dalits but not owned by them was also vested in them. Besides agricultural land, steps were taken to provide land for house site to Dalits. For this, if a Dalit household had occupied a piece of land, not owned by them, on a cut off date for their housing needs, they were provided with legal ownership of that land. Measures were also taken to check land alienation from Dalits. It includes pre-approval of land transfer from Dalit to non-Dalit by district collectors.

Table-2  
Distribution of arable 'Gram Samaaj' land in U P up to March, 2008

Category	No. of beneficiary	Area of land distributed(Hectares)
SCs	20, 76, 874	6, 43, 513
STs	3, 059	1, 886
OBCs	9, 46, 216	3, 35, 488
Others	6, 56, 559	1, 87, 452
Ex.Ser. Men	87	155
Total	36, 82, 795	11, 68, 496

Source: Board of Revenue, Uttar Pradesh, Lucknow

Programme of distribution of 'Gram Samaj' land was started in Uttar Pradesh in 1975-76 and its performance up to March, 2008 is given in Table-2. Comparison between Table-1, Table-2 and Table-3, reveals that this programme too lost its vigor after eighties. One can say that the programme of ceiling surplus land never picked up in Uttar Pradesh and programme of gram samaj land picked up initially but could not go ahead.

**Table-3**  
**Distribution of Ceiling Surplus Land in Uttar Pradesh up to September, 2006 (Acres)**

Area Declared Surplus	3,69,362
Area Taken Possession	3, 39, 385
Area Distributed	2, 63, 225
Total no of Beneficiaries	3, 03, 867
SC Beneficiaries	2, 07, 450
Area Distributed among SCs	1, 84, 808

Source: Annual Report, Ministry of Rural Development, 2006-07

### Tenancy Reforms

In many parts of the state tiller-owner model became operational and leasing the land was declared illegal except in rare cases. Even after these regulations more than 16 percent of rural households reported leasing-in of land in 1992 (Shanker, 1999). Tenancy being declared illegal in many states including Uttar Pradesh is possibly underreported in NSSO data as indicated by some studies. In the neoliberal era, stances of reverse tenancy are also coming in to light where many marginal and small farmers are leasing out their land to rich farmers.

### Changes in Land Ownership Pattern

The way these reforms were designed and carried out brought out a change from cumulative inequality into dispersed inequality and linkage between caste and landownership never broke down totally, as upper caste zamindars continued to be biggest land owners, tenants who purchased land or benefited from land reforms were mostly OBC's and a section of Dalits remained functionally landless agricultural labour.

It is not being argued here that the land ownership patterns remain same in last six decades. Above mentioned state policies and market transactions has impinged upon it. Though only some amount of land has been transferred through market transaction but upper caste Hindus and Muslims emerge as net seller while OBC's as net purchaser followed by Dalits and Sikh cultivators (Lieten and Srivastava, 1999). Recent period has also seen stances of land alienation as a number of farmers have sold out their land.

**Table-4**  
**Percentage distribution of households by size class of land possessed for rural Uttar Pradesh (Ha.)**

Social Category	Landless	0.001-0.004	0.005-0.40	0.41-1.00	1.01-2.0	2.01-4.0	4.01 and above
ST	0.0	28.2	37.8	8.6	17.1	6.3	2.0
SC	1.9	11.3	57.5	20.1	7.1	1.8	0.3
OBC	1.3	7.1	42.5	27.9	13.5	6.0	1.7
Others	1.4	8.9	32.8	24.0	18.2	10.6	4.2
All	1.5	8.7	44.7	24.9	12.7	5.8	1.8

Source: NSSO, 61<sup>ST</sup> round, 2004-05

Table 4 reveals that bottom castes have far less land possession than others. More than 70 percent Dalits households possess less than 0.4 hectare of land. Comparable figures for OBCs and Others are 50.9 and 43.1 percent respectively. It has been pointed out that this data set underreports landlessness and inequality of land possession. NSS conceives a household landless if it possesses neither land for housing site nor agricultural land. This data fails to capture landlessness in terms of productive agriculture land as a source of livelihood. To capture this dimension, NSS provides another data set that gives ownership pattern of operational landholding. Still gap remains as in some cases especially poor households use part of their homestead land for marginal crop production and this constitutes substantial part of their livelihood.

**Table-5**  
**Share of Dalits in number of operational holdings and total operated area**

Year	1980-81	1990-91	2000-01
No of operational holdings@	14.77	16.40	17.01
Share in total operated area	9.24	10.50	10.86

Source: Agricultural Census, @- percentage share of total holding

The above table once again demonstrates that after eighties, distribution of land among Dalits has virtually stopped. During eighties, share of Dalits in number of operational holdings went up from 14.77 percent to 16.40 percent and their share in total operated area increased from 9.24 percent to 10.50 percent. This still was not a satisfactory situation as proportion of Dalits in the population is 21 percent and after that both indicators remain stagnant. Data from agricultural census also reveals stark inequality between Dalits and non-Dalits. In Uttar Pradesh, average size of land holding for all social groups is 0.83 Ha, for Dalits it is only 0.53 Ha while for non-Dalits, it stands at 0.89 Ha.

Absolute landless among Dalits in Uttar Pradesh is not so high but functional landless is still very high. Two-third land holdings belonging to Dalits are less than 0.5 ha. If we have a look on less than 1 hectare category, we find that 87 percent of total Dalit holdings fall in this category. Sudha Pai (2000:412-13) too notes that although total land possessions by SC households have slightly gone up but their share in operational holdings declines with rise in size category. This rise in land possession is mainly due to state's policy of distribution of 'Gram Samaj' (Village community) land among landless and SC farmers. So above note should be seen with Mata Prasad's (1995:66-68) observation that around one fifth of beneficiaries of land allotment don't get possession on that.

### **Inputs from the Field**

This field work was conducted in 2005 for a broader project on social development to ascertain changes in social development of Dalit Women. It reveals a change in land owning pattern among Dalits.

Data collected and qualitative observation reveals:

#### **Land Ownership and Land distribution**

- Landless Dalit families, benefited with state's land distribution policy, have increased their landholding to an extent. Of the total respondents, more than 41 percent got *land patta*.
- Physical possession on patta remains big road block for Dalits. Only 33 percent of total households got physical possession on it.
- Mostly *pattas* were on infertile land. In village Kathwara many of them were on low lying land near river Gomati and in other villages it was on infertile or un-irrigated land far away from the main village.
- Distant location of pattas makes them inaccessible for even daily needs like relieving themselves and Dalits remain dependent on non-Dalits for this.
- Some of the plots are so small that farmers don't even get government assistance for tube well. Dalits lack capital for cultivation. This situation is compounded by the fact that around two-third Dalit respondents find it difficult to take loan from the bank and around half of them feel that co-operative societies practice discrimination against them. In this situation only those Dalit families can avail benefit of patta land of which at least one member is employed in non-agricultural sector and income from that source is invested in agriculture.

#### **Labour wages**

- Agricultural wages are still very low and women face discrimination in labour market. For men, daily wage ranges between Rs 50 and Rs 70 while for women; it ranges between 25 and 35. On an average, an agricultural labour get one to two months work a year.
- Agricultural wages vary with distance from urban area, agricultural seasons and nature of work to be done. Dalits feel that even tiny land plots have enhanced their bargaining power.

#### **Land Consolidation**

- In the studied area second round of land consolidation drive was going on. The researcher witnessed a number of protest demonstration by middle and small peasants against prevalent corruption in the consolidation process. Dalits feel that they loose land in this process and often get inferior land without any source of irrigation located far from village.

#### **Tenancy**

- Inspite of ban, tenancy is prevailing in Uttar Pradesh. Terms of tenancy differs in different areas. Owner of the land shares 50 percent of the expenses on irrigation, fertilizers and thrashing. Rest of expenses and labour is borne by tenants. Produce is equally divided between both of them.
- Land on annual rent is also leased out. Rent could be paid either in terms of a fixed quantity of grain or in cash.

### Social Development and Employment scenario

- Proportion of Dalit families solely dependent on agriculture has also gone down due to their increasing representation in other employment sources. One or more members of a landless family have migrated to near by towns or to far away places like Delhi in search of alternative employment. Mostly these people get employment in industrial units, construction sites, brick kilns, shops, hotels and restaurants etc. They also work as rikshaw pullers, security guards, and domestic help.
- Some families got land patta in seventies and eighties. Their social development indicators are higher than other families. Educational attainment of these families is higher than rest of the families. Due to education percentage of Dalit families having one of their members having white collar job in any government or private institution have gone up.

### Land Reforms: Challenges and Road Blocks

At the level of implementation, land reforms measures faced stiff resistance from bureaucracy that had close interface with semi-feudal social and agrarian structure in the country side. Large scale maneuvering was done with land records by corrupt government officials on the behest of rural landed elite. In many cases allotment of land remained on papers and Dalits were not given physical possession of the land.

Land Reforms in India were response to the mounting pressure from the below. Mohanty (2001, 3859) have rightly pointed out that “When the magnitude of resistance of deprived people challenges the existing order or shows signs of potential threat, the resultant change provokes reform measures”. These reform measures necessarily leave loop holes and lacuna in the laws that can be utilized by the dominant interests. Same happened with land reforms too. Furthermore, state apparatus is also dominated by upper caste that controls landed property in the country side. Sharma (2005) notes that “ownership of land and other assets, caste dominance, political power structure, and the oligarchies that control the state apparatus and their resources all overlap in a way which is by no means unique to Bihar, but which takes a particularly entrenched form here”. Again, this comment was made in the context of Bihar but holds ground in the context of Uttar Pradesh too.

Besides other factors, demographic composition too contributed to the maintenance of status quo. Proportion of so-called upper caste population in Uttar Pradesh is much higher than in western and southern states. Supporting this point Mehrotra (2006) notes “...the sheer size of the upper caste population in UP makes its social structure more resistant to change than in the rest of the country....”.

Another point that comes up again and again in the land reform discourse is the role of peasants movement. "Land reform policy being fundamentally a political issue, the state passes the legislation only to pacify and neutralize the agrarian tension. In order to monitor the implementation of such measures, the existence of strong social movements is crucial". Bandyopadhyay(2002: 5179) too supports the idea that the "real impact would depend upon correlations of political and class forces at any given time in any country". He refers to significantly important role played by Kisan Sabhas led by CPI (M) and CPI in West Bengal. In Uttar Pradesh, situation is entirely different. During freedom struggle, peasant movement in some parts of the state raised this issue but after independence it could not maintain its momentum. Left parties are weak in the state and as discussed above, backward parties, in the interest of their following, are opposed to any idea of further rupturing of agrarian relations. Bahujan Samaj Party, the Dalit party, has never taken interest in these issues of substantial import for its following. It seems that absence of a strong movement for the implementation of land reforms too would have helped landed elite to save their land.

### **Concluding Discussion**

Field experiences and secondary sources suggest that social development pattern of Dalits have shown secular upward move but it seems that relative distance between Dalits and non-Dalits has not been narrowed in many aspects of social development except education. It is not being argued here that land reforms did not make any positive additions in to Dalit life but its scope remained limited. Only a tiny section of upwardly mobile section of Dalits could take advantage of it. One can say that it kicked start the process by setting them free from the bondages of Zamindari system and giving some of them capacity to capitalize benefits from rural development schemes and policy of positive discrimination in government employment and education. Availability of opportunities in non- agricultural employment sources is another important factor that sets Dalits free from traditional agrarian structure. All these developments gave rise to an educated middle class among rural Dalit masses. It is this class that provides leadership to Dalits for political assertion.

However, land reform measures have, to a degree, done away with large inefficient land holdings. The peasant castes, i.e. the so called backward castes, have specially gained from this development. It is this social structural transformation of rural India which has been the major achievement of the land reform measures. At the same time, these emerging new rural elite have joined traditional elite in opposing further implementation of land reforms because restructuring of land ownership may lead to restructuring of socio-political scenario and they might lose their dominant socio-economic status in the emerging rural caste-class-power dynamics.

Overall land reforms have facilitated 'transition from cumulative inequality' to 'dispersed inequality' but have exclude the functionally landless strata of rural India. The latter continue to be by and large left outside the purview of land ownership. In this sense, land reforms have succeeded in the replacement of old elite and facilitated the emergence of new ones. They have failed to really transfer the land to the 'true tiller' and curb land inequality. The rural strata, which are at the bottom of resource ownership and caste hierarchy, continue to be exploited by the old and the new elite, and are often the victims of violent land conflicts. Thus, for the landless Dalits land reform remains an 'unfinished agenda'.

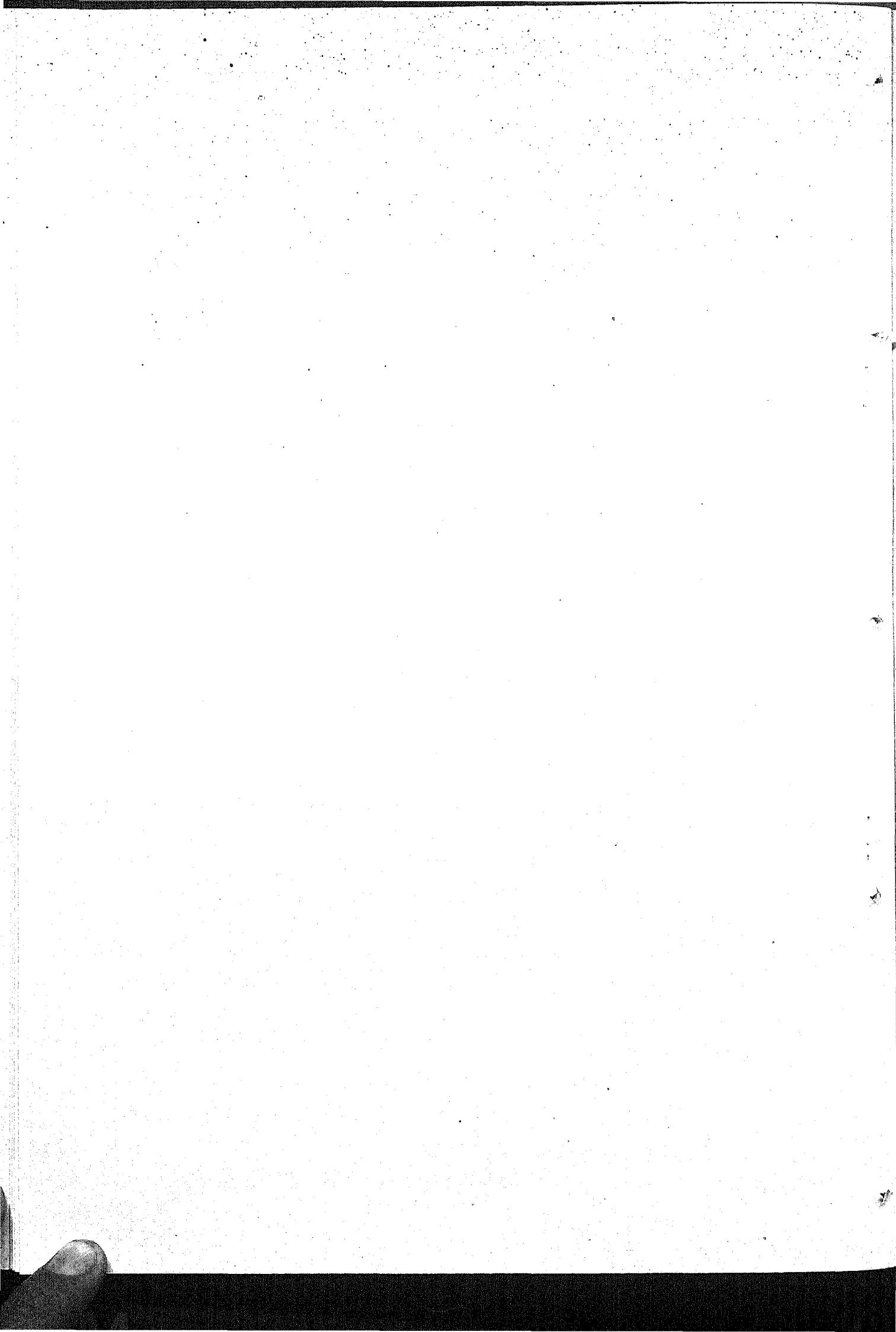
### Policy Suggestions

In the light of this discussion it can be suggested for further discussion that with increasing productivity of arable land, land ceiling should be further lowered down especially in irrigated areas. Need not to say that strict implementation of ceiling laws coupled with distribution of surplus land among landless Dalits must be ensured. It is often argued by the governments that there is no land available for distribution. Balagopal(2007:3829) has rightly commented that "And so suddenly governments, which till yesterday pretended that while it may be desirable to give the poor land for cultivating food or putting up huts, they were helpless and properly sorry about it because there was no land available and the poor should try breeding less instead, now discovered that there was any amount of land available to be put at the disposal of the corporates for investment, and the rich in general for building nice big nests for themselves". A closer look on the land holding pattern reveals that there are 88, 000 landholdings in the more than 7.5 hectare category covering an area of 9, 60, 000 ha and if we bring down ceiling limit to 5.0 ha like West Bengal, we find that 2, 73, 000 holdings cover an area of 2, 077, 000 ha.

Recent land reform discourse centers on World Bank advocated policy of land distribution through market. From Dalit stand point land reform is not just transfer of an economic asset in their favour but it also involves upsetting existing socio-political structure. "Land being socially valued asset, its unequal distribution helps maintain the hierarchical structure and strengthen the basis of dominance of the privileged groups by perpetuating inequality and deprivation in various socio-economic spheres. Seen from this point, the idea of fair distribution of land directly strikes at the root of such social relations" (Mohanty, 2001: 3858). Land reform through market skips this crucial element. Bandyopadhyay(2002: 5180) comments "Land reform means disempowerment of the powerful top landowning households and empowerment of the landless and the land poor through assured access to the redistributive land and tenurial security". Referring to dangers of market mechanism, he concludes by saying "Buying land at a fairly high price from big landholders through credit is no land reforms. It enriches the rich and impoverishes the poor".

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7

## On Land Reforms

Yoginder K. Alagh

National Seminar on  
**Land Reforms in Uttar Pradesh : Retrospect and Prospects**

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## On Land Reforms

Yoginder.K.Alagh

### Issues

- Tenancy
- Leveraging small farmer advantages in the emerging models
- Urban land use and spaces
- Is there the need for a Civil Society Initiative as the State gets Weaker and Corporatized?

## Tenancy;The Old Problem

- In 1989 the Planning Commission had organised a seminar on Land Reform. It was published with an introduction by Asha Swarup. The late V N Dandekar and me argued that tenancy should be regularised and the point made by the Gokhale School studies that tenancy was informal and should be regularised was important.
- This view was severely criticised by the doyens in the game like P.S.Appu, Dr. B D Sharma and Shri. K B Saxena who is here. Bhalla Saheb, Ajit Kumar Singh and Haque Saheb were there and may remember that Dandekar and me retired hurt. The argument was the old one as in the Second Five Year Plan Committee on Land Reforms namely that tenancy recognition would mean that land to the tillers would be given up as an objective.

## The Argument against Recognizing Tenancy

- Asha Swarup who wrote the Proceedings summarised them as follows:
- "The two policy options available are either to recognise tenancy, detect it and provide security to tenure to those actually cultivating land or to keep the original spirit of land reforms alive ,whereby all intermediaries were eliminated and land rights, vested in actual cultivators." The answer was "the objective should be achieved by better implementation of the existing laws and a strict definition of 'Personal Cultivation' (Planning Commission,1989,p.2) Also see Preface by the present author (p.v-vi)

## Late Work

- Time was lost. But when Yugander and later B K Sinha were at the Massuri Academy a lot of work was done on Tenancy Reform. A Conference of Chief Ministers was also called.
- In States like Karnataka, Andhra Pradesh and Gujarat, there has been great progress in validation and computerisation of land reforms.
- Benami tenancies and increasingly reverse tenancy exist as recent NSS and other studies show.
- The use of operational farm distribution data to test the hypothesis of reverse tenancy is somewhat suspect. As the NSS sample checks of cropping data data show both at the conceptual and recording level invariably the concept of "operational holding" is flawed and most certainly does not rest on the concept of own labour which was always a criteria in 'Personal Cultivation'. Even a minimum use of own labour as a criteria is not there in operational holding.. A small difference between the distribution of ownership holdings and operational holdings is not a sure argument that reverse tenancy does not exist or is not important.

## Vulnerability: Elsewhere

- The marginalisation of small holder farming remains as a problem in fast growing agriculture
- A paper by Drs. Son, Que, Dieu and Trang of IAE, MARD and Dr. Beresford of Macquarie University, is a very concise and well written story of institutional reform and agricultural growth and change in Viet Nam, since the Nineties of the last century.
- There are sub stories of achievements in institutional change, both in land relations and in incentive, support and disincentive systems for the sector, structural change, diversification and globalisation and consequent impacts on the rural and agricultural economy and its regional and distributional aspects. Its largely an uplifting story of high achievements. The authors are careful and there are underlying currents of concerns, of falling profitability, declining sources of growth and nutritional and poverty impacts for some classes of the population and some regions.

## Vulnerability; Again

- The authors state the problems squarely
- 'While poor households need loans to meet daily necessities or occasional large expenditures, richer households need bigger, longer-term loans for investment purposes. Bank loans, on the other hand, have usually been short-term and only available to the better off. The government has adjusted credit policy for households several times by, for example, increasing the non-collateral credit limit from 10 million to 30 million VND per household. However, banks are reluctant to take risks and access to formal credit remains limited for many households.'
- Apparently globalisation doesn't help-
- 'Price volatility, particularly downward pressure on prices and a proliferation of intermediaries in supply and marketing chains have disadvantaged more vulnerable farmers. In addition, an underdeveloped rural infrastructure limits rural inhabitants' access to information about markets and technology, education and health services, putting those in more remote areas at a disadvantage.'

## Doing Well: But

- The sweet and sour nature of the paradigm of Asian agriculture comes out in
- "Development of the household economy in agriculture has, therefore, played an extremely important role in Vietnam's emerging market economy, sustaining growth and employment during the crucial transition years. Only in the last five years have we been able to see any significant tendency for agricultural employment to diminish and this has largely been achieved without increasing unemployment in urban areas. While poverty among these farming households has diminished rapidly over the past decade, agriculture has also fallen behind relative to the urban sector. In 2003, while urban poverty had fallen to a quarter of its 1993 level, rural poverty was still over half its previous level (Table 2). Among ethnic minority households in remote and mountainous areas, the level of poverty remained at 80 per cent of its 1993 level. The proportion of the country's poor living in rural areas has risen. Renewed efforts to develop the rural economy are therefore important if Vietnam's positive experience to date is to continue."

## Working Models

- Working models with stakeholder groups and need much greater attention. Land scarcity is going to be perhaps the single greatest constraint to Indian development. Local bodies are the repositories of what are called Common Resources. Those who work or live off a resource are obviously the first to be affected and need to be consulted. We need to build models of cooperation rather than clash. These are not simple matters and while best practice cases exist, we do not as yet have working systems. The idea that land is not an economic good in the market which lies behind the tenancy legislation, is irrelevant in practice for the greatest change that has taken place in rural India is land is also being transferred voluntarily from very small peasants to middle peasants in what is called reverse tenancy. Private organizations are expanding in ground water exploitation and there is the beginning in places like Kaira District in Gujarat of small water storage tanks in private plots. (Antisar) The economic interest in land and water has to be at the heart of any reform process. I believe that groups of stakeholders, including the smallest peasants can cooperate for well defined and limited purposes for land development and water projects. Farmer level irrigation management systems, watershed development projects, groundwater cooperatives are all thriving and many more and very promising possibilities are there.

## Newer Models

- There are at present different agricultural diversification models:
  - Amul
  - Harayali and Producers Association
  - Khetsa
  - Farm to farm
- As a socialist to me the central principle is whether the small farmer and or the landless labourers stake holder will be a part of the institutional processes of organising agriculture or not.
- I also believe that such stake holder participation is efficient, but I am sufficiently well trained in economics to accept that this is a concept of dynamic and not short run efficiency

### **Larger Acceptance**

- Alan de Jainvry with whom we have worked earlier also said that the Bank (WDR 08 before them the FAO, 07) wanted Producers Association to bargain for the farmers rights.
- Tenancy records have to be straightened so that tenants who farm around two fifth of the land can leverage their assets in bargains with the corporates. Some want to operate from the farm to the fork all by themselves if allowed to, which is seldom, but others span the whole range, but don't enter the field or the last line retailer. In fact, with large foreign tie ups some have explicit strategies of strengthening producer companies as also the mom and pop stores.

### **The Corporatisation of Policy**

- The CII has now lobbied that the Producers Association part of the companies Act, second amendment (2002) should be abolished. It is correctly argued that producers association do now follow corporate profit maximising principles since they are based on the one share one vote principle.
- This argument is at present influx and I have lobbied with the Prime Minister to promote Producers Associations to continue.

## Diversification

- FAO/World Bank say that we have reached a stage of inflection and explosive agricultural demand growth and diversification
- "The contrast to South Asia is particularly striking for Sub-Saharan Africa where almost 65 percent of the rural population is found in areas with either low agricultural potential or poor market access, and 15 percent live in areas with both characteristics. The figures for South Asia are 25 and 3.5 percent respectively."
- "Where the contrast between Indian agriculture and other countries looks particularly stark is in post-harvest aspects. One of the most striking is the low level of supermarket penetration and organization of the supply chain from farm to retail outlet."

## Experiments

- It is early hours yet and the mixtures of public and private initiatives in strategic organizations is an issue with experimental possibilities. The question of the organization of small farmers and their links with higher level organizations like input supplying or selling companies, or irrigation systems, is a complex one. Possibility of small farmers to form their own companies, without loss of control on their land, now exists under the law and needs to be strengthened. Later on, they may be allowed to have joint ventures with big companies, if they so decide. A problem visualized in contract farming is the organization of farmer groups to interact with large companies. One answer is to encourage farmers groups in this context.

## The Future

- Urbanisation is gobbling up land. In Gujarat 'large villages' actually towns as per Census definitions, if taken into account double urban growth from 2.87 % annual to 5.06% , which is close to double the earlier estimated change and makes a big difference to land use and forecast urban needs. UNFPA and FAO say our definitions are different
- Barbara Harris's work has shown that an informal sector agro-processing and distribution in urban areas is now under great stress with the privatisation of land earlier under the use of "Commons"

## Urban Land use

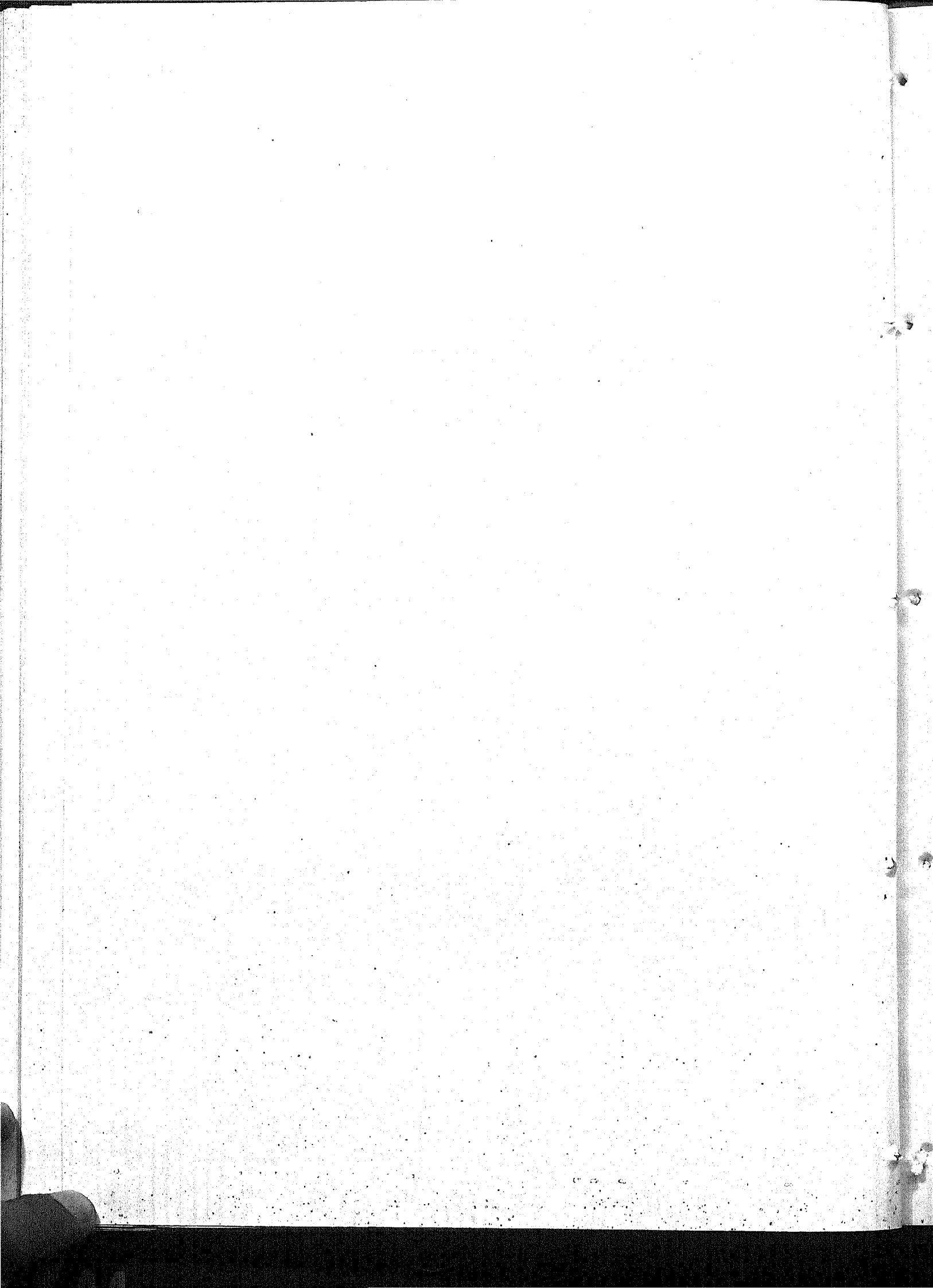
- Even if distribution is corporatised, there will be the need of the kinds of strategic policies that China followed of integrating of informal sector distribution and artisan based urban activities with super markets.
- There is a clear cut case for pre-empting urban land for informal sector distribution and artisan based processing and industry in the brave new world of the mall culture. The FAO is correct in saying that penetration of supermarkets in India is the lowest in the world and so is the Commission on Unorganised Sector correct in saying that the employment consequences of substitution of the distribution trade by the organised sector can be very large.
- At the least a strategic policy is needed to integrate both

## Need for a Civil Society Political Initiative

- There is a possibility that the state is now not receptive at the operational level to such ideas. In that case, there is a need of broad based civil society initiatives to keep the issue alive. If agreed, we could even design it today.

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Effective Resolution of Dispute on Ownership of Forest  
Land – Eminent Domain vs Community Control

Ashok Chowdhury & Ms Roma

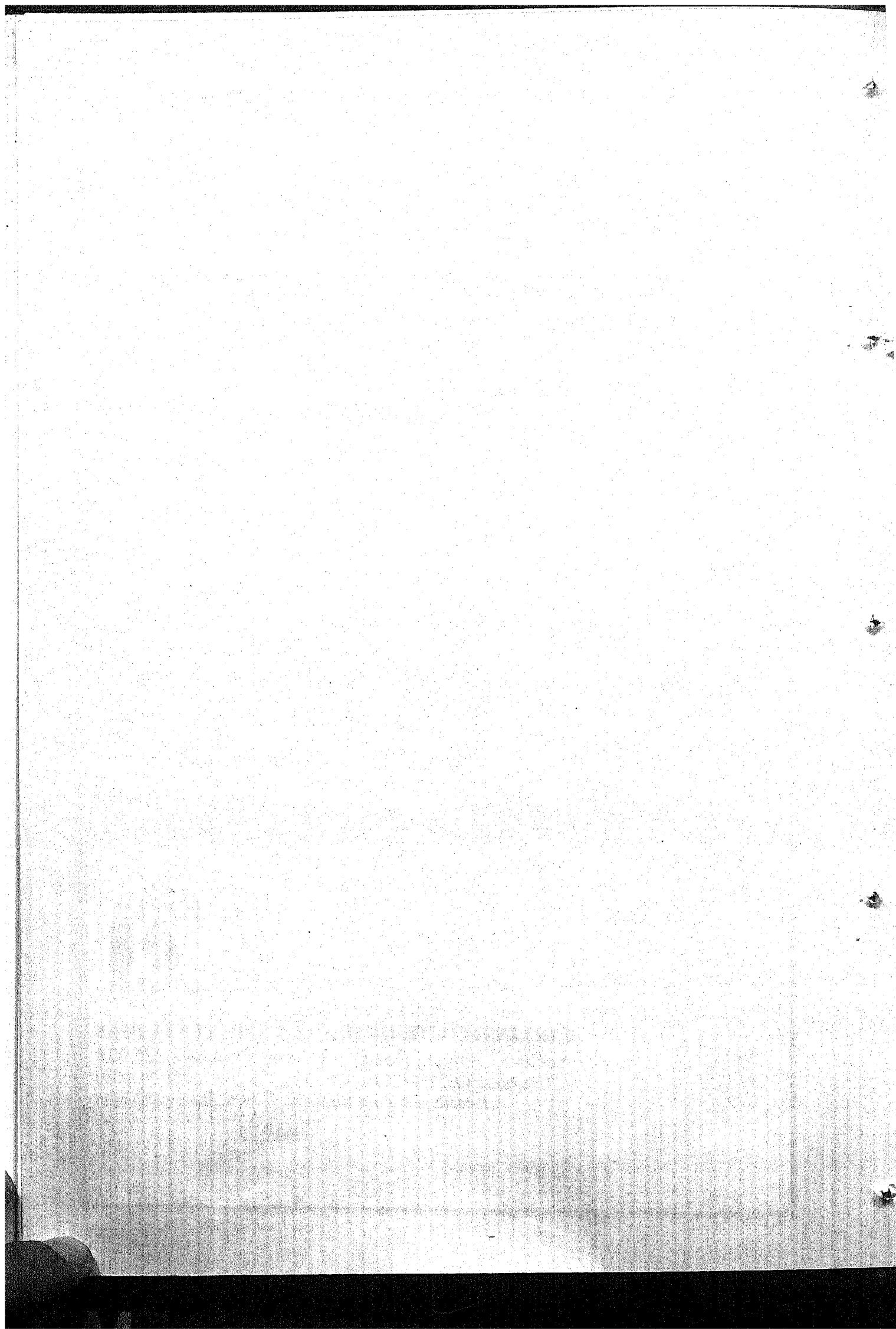
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## **Effective Resolution of Dispute on Ownership of Forest Land – Eminent Domain vs Community Control**

When the British invaded India 250 years ago, they found the sub-continent covered with a mosaic of vegetation they did not comprehend. The East India Company's 'empire building' efforts and the first 100 years of British rule witnessed a colossal plunder of half of India's forest vegetation. Resultant timbers went to feed the railways and the new and old shipyards in both India and England. The cleared land as well as large chunks of forests were settled to white planters (tea, coffee, indigo and sugarcane), and the native 'zamindars'.

In 1864, the first forest administration for the British Empire (Imperial Forest Service) was created which was basically to take control over the natural forest and land. In 1868 and 1878, India was 'endowed' with its first forest policy and forest act, which, prescribed, among other things, banishing indigenous communities from the forest and restricting forest usage by them. In the interests of the queen and empire, the British proclaimed all 'unsettled' and 'ownerless' common property resources like pastures and forests 'eminent domain', which meant that the colonial state would 'manage' the forests as it saw fit. The 1878 Indian Forest Act was amended in 1927 and since its inception had been used by successive Forest Departments as a tool of coercion through which people could be kept out of the forest. These Acts empowered the government to declare its intention to notify any area as a reserved or protected forest, following which a "Forest Settlement Officer" supposedly would enquire into claims of rights (to land, forest produce, etc.).

After the independence the Constitution of India committed to abolish absentee landlordism and enact legislations and rules in the entire country. Accordingly the state legislations on the abolishment of zamindari system and Land reform acts came into being in respective states. The real intention of "Zamindari Abolition and Land Reform Act 1950" (ZA Act) was to vest the agricultural land to the actual tiller by abolishing Zamindari system established by the British. But the irony was that at one hand landlordism was abolished by bringing this act but on the other hand all forest land that was under the control of Zamindars were transferred to Forest Department for management of the forests. Within overnight the Forest Department emerged as a biggest "land lord" in independent India. Forest and forest land were kept out of realm of land reform in our country. Most of that land and forest belonged to community where community rights were recorded even during the British period. As a result of which Forest Department in our country owns 23% of land which is more than 75 million hectare of land, of which only 9% actual forest exists according to the data of Forest Survey of India.

By handing over forest areas and thousands of hectares of land used as "nistar" by the village people to the forest department, the spirit of land reform was defeated in our country. This is the basis of the "historical injustice" that was committed on people depending on forest and land for their livelihood needs. The purpose of the land reform and the passing of the ZA act were defeated over the period of time also due to lack of political will of the state. Instead of finding out the actual reasons of the failure of land reform process most of the experts and policy makers worked more in the interests of the landlord lobby and the forest department. In a systematic way the cultural relationship of forest and people was heavily destroyed under the protection of the State and gradually all the rights extinguished which later got converted into the concessions and any rights claimed were labeled as forest crimes. The colonial legacy of the British continued and the understanding that peoples especially the tribal, dalit, pastorals and other poor sections had a symbiotic relationship with the forest was totally sabotaged by the government.

After the independence the failure of the democratic polity and the non implementation of the Constitutional provision totally destroyed the community's relationship of people with the forest and the land. In most of the forest areas the disputes started arising between, *Village and the forest*

department, Village and revenue department and the forest and revenue department. The crisis has deepened in such a way that whole of the forest belt of India is under turmoil where forest people and tribal are being treated as anti-national and enemy of the forest.

It was after 60 years that first attempt has been done by the UPA government under the pressure created by people movements, tribal and left movements and also by the armed groups to pass a new act in order to mitigate the "historical injustices" on the tribal society which is known as the "The Schedule Tribe and Other Forest Dwellers (Recognition of Rights Act) 2006. However it is important to note that this effort will also not be able to bring favorable results for forest people and adivasis if the fundamental disputes of the land are not solved.

There are various mass movements taking place in the entire country by the adivasis and other forest people to take back their forest and land from the State. But an extensive work has been done in Madhya Pradesh to determine the real disputes of land both of forest and revenue through taking out the land records at the local level and than doing active intervention at Legislative Assembly. The results have been very positive – a note on case study on Madhya Pradesh, based on research reports done by Shri Anil Garg is also attached in Annexure – I, to see how surplus land has been taken out of the control of the forest department. This note clearly shows how the dispute between the forest and revenue department continued due to the mistakes of both of these departments and in all these 60 years these two departments are misleading the country by actually violating the laws in their records. In this way both the departments have lost the credibility in relation to the land records. It could be said today without any doubt that the records with both the departments are not correct and has lost its authenticity. In relation to Uttar Pradesh these land disputes have emerged in a more serious way and there has been no political will since independence to solve this serious problem. There has been no serious effort to deeply understand this problem to bring out the permanent solution to the disputes so that the village society is able to become self-dependant and to protect their environment and biodiversity and live in harmony with the nature. Instead, Patta distributed in paper and various so-called development schemes are being floated to divert the attention from the real issues and degrading the citizens as 'beneficiaries'.

#### *The list of the disputes in UP*

- The revenue land that was not recorded after Zamindari Abolition was vested with forest department by different acts in different states and were termed as "forest land". In UP, Bihar and Bengal the forests was vested under Private Forest Act enacted in 1948 just before the enactment of Zamindari Abolition and Land Reform Act. The forest department extinguished all the rights enjoyed by the people in such land after independence.
- Both the departments' i.e forest and revenue departments have been doing separate actions in their respective land records relating to the same land for the last 50 years. As a result of which the basic objectives of land reform measures in the country has been diluted.
- In most of the forest areas the disputes arose after the independence were of serious nature they were between the *forest department and the village, revenue department and the village* and the *forest department and the revenue department*.

After independence no serious work was done to prepare a proper land record in such disputed areas so that the people solely dependent on land and forest could get their rights. Rather whatever possession, rights they had over the forests were extinguished systematically and they were evicted brutally in the name of conservation e.g. national parks and sanctuaries. The work that needs to be done still by the State is of very serious nature, until and unless this work is done the proper agrarian reform which means the ownership of the community's dependent on natural resources could never be established. These are real questions regarding land reform that needs to be addressed. Our organization is seriously working on the following issues relating to the forest land records and trying to sensitize the governments to address these questions and set up a committee at

the state level to do this mammoth work. e.g the following issues relating to Uttar Pradesh that needs to be known is -

- After the enactment of Zamindari Abolition Act of 1950 what various changes have been brought by the revenue department in the records (abhilekho), what different actions were taken?
- Similarly what actions were taken by Forest department after it notified the revenue lands into forest land u/s 20A of the Indian Forest Act 1927 in the revenue records? When all these actions were taken? Which of the actions that are still pending?
- To collect the information regarding the revenue department and forest department that have according to their own laws, passed various notifications in the Gazette e.g consolidation of land, the record of rights issued by the revenue department, notifications for the settlement from time to time. Similarly the forest department has also issued notification u/s 4 and u/s 20 and also notifications relating to denotification of the forest land to the revenue lands.
- After the ZA act of 1950 various amendments were brought in the revenue laws, new rules were made. Similarly, Forest department also brought various amendments and changes in the laws relating to the community/ traditional/ customary rights in relation to section 5 to sec. 19 of the IFA 1927. To study what amendments were brought, what new rules were made?
- What was the system of amendments of the revenue records in Uttar Pradesh under which law and rule, which information is available in which place? Where is this information, what is the legal process of inspection and from where the copy of such information could be accessed?
- What terminology were used by the forest and revenue department, in which actions, in which documents for various entries e.g what were the names used for the various types of forests for the community use etc?
- As pointed out in the introduction after the independence government acquired two kinds of land: one the community land from the malguzars, zamindars, jagirdars, mahal regions. Second was land acquired through the ceiling act. In both of these cases it is important to know what was in the records of the revenue, what actions have been done by the revenue department from 1947 until now?
- On the basis of above collected information than a proper "*village register*" could be prepared in a new way to maintain a full record of the village in relation to forest, revenue and the community rights so that it will be easy to find which record said what. This exercise will point out the actual status of the land in the village and indicate the disputes in the village. ***The formation of the village register will eventually become the document for the resolution of the disputes of land in the village.***

#### ***Case Study of Kaimur Region of UP***

The Kaimur region (District Sonbhadra, Mirzapur and Chandauli) is a very backward region of UP, and it is known for its very complicated land disputes especially relating to forest land. This whole region was part of Jharkhand before independence but after the State boundaries were demarcated this region was brought under UP since it is highly mineral rich revenue earning area. The situation of land and forest vis-à-vis Tribal and Dalit is very complicated since independence as most of the forest land inhabited by the Adivasis were illegally transferred to forest department u/s 4 of Indian Forest Act 1927 for management. According to working plan of forest department 1950-60, more than 8 lakh acres of revenue land was transferred u/s 4 of IFA to forest department. This land was finally declared as reserve forest without following the procedure of settlement of rights according to act and notified these lands u/s 20 of the said act. Today more than 500 villages and their vast cultivating land has been notified as reserve forest under sec. 20 A of Indian Forest Act (1927). The ceiling act that was imposed on the big land lords was misappropriated to such an extent that both

*department, Village and revenue department and the forest and revenue department.* The crisis has deepened in such a way that whole of the forest belt of India is under turmoil where forest people and tribal are being treated as anti-national and enemy of the forest.

It was after 60 years that first attempt has been done by the UPA government under the pressure created by people movements, tribal and left movements and also by the armed groups to pass a new act in order to mitigate the "historical injustices" on the tribal society which is known as the "The Schedule Tribe and Other Forest Dwellers (Recognition of Rights Act) 2006. However it is important to note that this effort will also not be able to bring favorable results for forest people and adivasis if the fundamental disputes of the land are not solved.

There are various mass movements taking place in the entire country by the adivasis and other forest people to take back their forest and land from the State. But an extensive work has been done in Madhya Pradesh to determine the real disputes of land both of forest and revenue through taking out the land records at the local level and than doing active intervention at Legislative Assembly. The results have been very positive – a note on case study on Madhya Pradesh, based on research reports done by Shri Anil Garg is also attached in Annexure – I, to see how surplus land has been taken out of the control of the forest department. This note clearly shows how the dispute between the forest and revenue department continued due to the mistakes of both of these departments and in all these 60 years these two departments are misleading the country by actually violating the laws in their records. In this way both the departments have lost the credibility in relation to the land records. It could be said today without any doubt that the records with both the departments are not correct and has lost its authenticity. In relation to Uttar Pradesh these land disputes have emerged in a more serious way and there has been no political will since independence to solve this serious problem. There has been no serious effort to deeply understand this problem to bring out the permanent solution to the disputes so that the village society is able to become self-dependant and to protect their environment and biodiversity and live in harmony with the nature. Instead, Patta distributed in paper and various so-called development schemes are being floated to divert the attention from the real issues and degrading the citizens as 'beneficiaries'.

#### *The list of the disputes in UP*

- The revenue land that was not recorded after Zamindari Abolition was vested with forest department by different acts in different states and were termed as "forest land". In UP, Bihar and Bengal the forests was vested under Private Forest Act enacted in 1948 just before the enactment of Zamindari Abolition and Land Reform Act. The forest department extinguished all the rights enjoyed by the people in such land after independence.
- Both the departments' i.e forest and revenue departments have been doing separate actions in their respective land records relating to the same land for the last 50 years. As a result of which the basic objectives of land reform measures in the country has been diluted.
- In most of the forest areas the disputes arose after the independence were of serious nature they were between the *forest department and the village, revenue department and the village* and the *forest department and the revenue department*.

After independence no serious work was done to prepare a proper land record in such disputed areas so that the people solely dependent on land and forest, could get their rights. Rather whatever possession, rights they had over the forests were extinguished systematically and they were evicted brutally in the name of conservation e.g. national parks and sanctuaries. The work that needs to be done still by the State is of very serious nature, until and unless this work is done the proper agrarian reform which means the ownership of the community's dependent on natural resources could never be established. These are real questions regarding land reform that needs to be addressed. Our organization is seriously working on the following issues relating to the forest land records and trying to sensitize the governments to address these questions and set up a committee at

the state level to do this mammoth work. e.g the following issues relating to Uttar Pradesh that needs to be known is -

- After the enactment of Zamindari Abolition Act of 1950 what various changes have been brought by the revenue department in the records (abhiilekho), what different actions were taken?
- Similarly what actions were taken by Forest department after it notified the revenue lands into forest land u/s 20A of the Indian Forest Act 1927 in the revenue records? When all these actions were taken? Which of the actions that are still pending?
- To collect the information regarding the revenue department and forest department that have according to their own laws, passed various notifications in the Gazette e.g consolidation of land, the record of rights issued by the revenue department, notifications for the settlement from time to time. Similarly the forest department has also issued notification u/s 4 and u/s20 and also notifications relating to denotification of the forest land to the revenue lands.
- After the ZA act of 1950 various amendments were brought in the revenue laws, new rules were made. Similarly, Forest department also brought various amendments and changes in the laws relating to the community/ traditional/ customary rights in relation to section 5 to sec. 19 of the IFA 1927. To study what amendments were brought, what new rules were made?
- What was the system of amendments of the revenue records in Uttar Pradesh under which law and rule, which information is available in which place? Where is this information, what is the legal process of inspection and from where the copy of such information could be accessed?
- What terminology were used by the forest and revenue department, in which actions, in which documents for various entries e.g what were the name used for the various types of forests for the community use etc?
- As pointed out in the introduction after the independence government acquired two kinds of land: one the community land from the malguzars, zamindars, jagirdars, mahal regions. Second was land acquired through the ceiling act. In both of these cases it is important to know what was in the records of the revenue, what actions have been done by the revenue department from 1947 until now?
- On the basis of above collected information than a proper "*village register*" could be prepared in a new way to maintain a full record of the village in relation to forest, revenue and the community rights so that it will be easy to find which record said what. This exercise will point out the actual status of the land in the village and indicate the disputes in the village. *The formation of the village register will eventually become the document for the resolution of the disputes of land in the village.*

#### *Case Study of Kaimur Region of UP*

The Kaimur region (District Sonbhadra, Mirzapur and Chandauli) is a very backward region of UP, and it is known for its very complicated land disputes especially relating to forest land. This whole region was part of Jharkhand before independence but after the State boundaries were demarcated this region was brought under UP since it is highly mineral rich revenue earning area. The situation of land and forest vis-à-vis Tribal and Dalit is very complicated since independence as most of the forest land inhabited by the Adivasis were illegally transferred to forest department u/s 4 of Indian Forest Act 1927 for management. According to working plan of forest department 1950-60, more than 8 lakh acres of revenue land was transferred u/s 4 of IFA to forest department. This land was finally declared as reserve forest without following the procedure of settlement of rights according to act and notified these lands u/s 20 of the said act. Today more than 500 villages and their vast cultivating land has been notified as reserve forest under sec. 20 A of Indian Forest Act (1927). The ceiling act that was imposed on the big land lords was misappropriated to such an extent that both

the revenue and the forest land is still in the illegal control of the feudal forces and rich land lords in this region.

To settle the disputes of land a high level Kaimur survey settlement in 1986 was formed on the instruction of Supreme Court. In this Survey Settlement whole revenue machinery resorted to corrupt measures and was involved in misappropriation of tribal land in a large scale and sold land to the outsiders or their relatives. The fact that the land was sold out to outsiders and dispute of section 4 land was unresolved even after the kaimur survey settlement was confirmed in the Maheswar Prasad Committee report of 1986.

The forest that was source of livelihood for many of the tribal in these three districts came under the control of forest department after the independence. Tribals lost their land and forest but there was very little effort done by forest department to rejuvenate the forest. Moreover, due to the industrialization the forest cover was further depleted. The pressure increased on forest land in 80's and 90's. There was massive operation to bring all the land under the reserve category and evict the forest dwellers who were settled in these lands. An eviction drive was started in the late 90's.

Whole of the Kaimur region was considered to be very rich in forest and mineral wealth but now the population who were entirely dependent on them is left without any option, the result is the starvation deaths in this region in recent years. These deaths have occurred in Sonbhadra, Naugarh and Mirzapur areas.

We have witnessed that as the crisis of livelihood deepened, the State violence also increased unabatedly. The atrocities are being inflicted on the poor tribal and dalit population, there is tendency by the State to shrink whole of the democratic space in the region arising out of the land crisis. The democratic movements and the struggle for the land rights are being branded as naxalite or the Maoist movement. As a result of which various fake encounters have taken place and poor tribal, landless, bonded laborers were also booked under POTA. This phenomenon is witnessed even in the highly industrialized area such as Hindalco and NTPC.

But for the last four years the democratic struggle for land has intensified to such an extant that tribal and dalits of this region have been struggling to take over the land through collective initiatives and challenged the illegal occupation by the Forest dept and its allies. In this whole region Adivasis started the movement of taking over the control of land which they call it reclaiming their lost space and more than 20,000acres of land is under the control of adivasis and dalits who are claiming that the land belonged to their ancestors which was under cultivation during independence. The movement has spread to more than 100 villages in district Sonbhadra and also spread to the neighbouring districts like Mirzapur, Chanduli where around 25 villages have joined this movement. This movement has also spread to the neighbouring states of Jharkhand, Bihar and Madhya Pradesh. Massive repression took place after this agitation where the district administration branded the movement as "naxalite" movement and filed false cases u/s Indian Forest act and IPC on 1500 tribal, dalits and activists. NSA was implicated on the leading activist of the organization but NSA was withdrawn after the intervention of CM Ms. Mayawati. Things are getting settled since then. Efforts are being made for effective implementation of FRA in U.P. through joint initiatives of UP govt. and people's organizations.

#### ***The action research study***

The action research study regarding the collection of record of forestland and community land have been taken up for two districts of UP Sonbhadra and Lakhimpur khiri, where serious problems exist in relation to 'forest land'.

After enactment of the Forest Rights Act it was felt by the people's organizations like us that it was very important to find out how much land has been acquired by forest Department (FD) after independence under Indian forest Act, 1927 (IFA) and also through other forest acts. Through our experience it was found that FD is in possession of most of the community and Gram Sabha lands

that belonged to community. Secondly, the Zamindari forest where the rights of the community were recorded was also acquired by FD through Private Forest Act (1948) before the passing of the Zamindari Abolition and Land Reform Act in 1952 in UP. In this way lakhs and lakhs of hectare of land and community lands were taken over by the FD illegally and the Indian Government was itself instrumental in making FD a biggest landlord in this country after independence.

So in all the forest areas the disputes started among the community, FD and revenue department and unrest started in these areas giving rise to militancy and Maoist activity.

#### **ACTION RESEARCH STUDY**

The action research study in UP started by keeping all these issues in mind from January 2008.

1. *Collection of Gazette showing the declaration of reserve forest u/s 4 and u/s 20 that is available in the Part-I of "Bharat ka Rajpatra" from Lucknow from the period of 1950-2005.* So far we have got the records of around 15 lakh hectare of land that has been transferred to FD from the period of 1970-80. The study is still going on and is very time consuming and will take around one year.

2. *The collection of forest settlement reports, working scheme and working plan from FRI, Dehradun or Nainital to find out the land transfer and do the comparison with the records collected from gazettes.* This will give us the data recorded in forest department records where lot of misappropriation of land is expected to come out.

3. *Collection of document Bajibul—arj (known as record of rights document made before independence from District Sonbhadra and Lakhimpur Khiri. This will enable us to record the rights that people enjoyed and help us to reestablish those rights.*

4. Information collection from Forest Settlement officer (FSO) regarding

1. *Notification of intention for declaration of Forestland.*
2. *Guidelines of demarcation of such lands.*
3. *Settlement reports of these two districts.*

5. The land document known as khautauni of five villages identified from these two districts to know the real state of disputes relating to forest and revenue and comparison with the gazette. In this way Khautani of 1950, 1980 and 2005 will be collected from District land record room.

There has been a very good progress of this study. The collection of Gazette is a very lengthy, time Consuming and patient job. A team of activist and researchers has started collecting Gazette from 1980 in Lucknow. Till now identification of FD gazette (which shows low much land has been notified as Forest land village wise and plot wise) was done from 1980 – 1971.

After identification it was felt by us that it is just not possible to get the photocopy of the entire gazette that will amount to thousand and thousand of rupees. The tabulation of the gazette was started and it was planned to do lobbying with some of the MLA's and MP for getting the records. The tabulation is a very tedious job as along with these two districts we are tabulating the lands declared as forest land u/s sec 20 of Indian forest act (IFA) (which is also known as reserve forest) of entire state. The reason for collecting the record for entire state will help us to formulate a very authentic and solid agrarian policy for the state of UP after completion of this study.

At this juncture it has become very important for our organization to start lobbying at the Vidhan Sabha level to take the help of legislators to get the copy of the gazette from either Vidhan sabha question or sending letters to the concerned department through the legislators. This has helped us to start lobbying at the Legislative assembly side by side.

At the local level the information of the identified villages is taking place by involving the District Magistrate and the other officials such as FSO. There is very good response from the officials especially after passing of the Forest Rights Act 2006.

A list of information that needs to be collected has been given to various officials and the local MLA also in both the districts, so that there is no load on the officials or the MLA to extract the information. One very good thing is that through this interaction the officials and the politicians are also getting sensitized regarding the issue of land and forest.

The information of the village level is being collected for the three stages i.e five villages have been identified in these two districts, in which the information of the three period i.e 1950, 1980 and 2005 records will be collected. The information of first stage i.e 2005 is being collected in the first phase that includes the Khatauni which shows the land title of the entire village and the current map of the village.

The information collection process is a very lengthy process and time consuming as it involves lot of running around to the administrative offices where the administrative machinery takes too much time to give information. One very important thing is that it is very difficult to collect all such information through RTI, as for collection of information of revenue matters there are already procedures and rules in land laws. One has to go through that procedure only. The other problem that the activist like us face that all the collection of this information has to go along with the mobilization at the grass root otherwise the study does not have any relevance. It is difficult to do this study academically also unless there is thorough commitment to this work, this kind of data collection requires lot of support from various institutions.

### Annexure - I

***The data showing the manipulations in the land records in Madhya Pradesh – by Anil Garg*** The land records of forest and revenue department in Madhya Pradesh clearly depicts that to what extant the lie has been told to the people of this country, to the judiciary and to the society at a large. A brief note of these grievous manipulations by both the department is listed below.

1. The lands used as the common property resource before independence under the control of the zamindars, Jagirdars, malguzars were recorded in the record document known as "Bazibul-ul-arz".
  - The same lands were declared to be as protected forest in 1958 and in 1959-60 around 91274.600 sq km i.e 91.274 lakh hectare of same lands were demarcated as protected forest district wise just after independence.
  - The same lands were denotified u/s 34A of Indian Forest Act 1927 and were transferred to revenue department but the entries of such changes were not recorded in the Land records as a result of which later through a gazette the forest department again denotified the same lands u/s 34a of IFA.
2. The lands that were acquired by the government from Property Abolition Act after independence in the area of Mahal, dumala and ilaka in 1950, these same lands were -
  - The same lands were declared as protected forest and were given for forest management. In 1961 in the records, actions were taken on these lands again by making 11 forest management units where the process of settlement, demarcation and survey were started.
  - The same lands were again declared as forest land. In 1994-95 to prove the land holding rights of the land holders residing before 1980, a fresh application to get the permission for renewing the land holding rights were sent to Indian government.
3. Those lands that were declared as lands for community purposes, traditional use and customary usages under the record of rights of each village known as "Nistar Patrak" under Land Revenue Act of 1959 M.P, these lands were -
  - The same lands used for community/traditional/customary use, all the rights were extinguished by the forest management institution and in 1960 protected forest rules were made where the rights were converted into privileges and concessions.
  - These same lands were declared as "orange area" in 1996 by the Forest Administration and they again started the survey of demarcation of those lands which actually belonged to the community since the days of various princely states.
4. The "unoccupied lands" after the reorganization of Madhya Pradesh according to the Land Revenue Act 1959 were vested with chapter 18 of Land Revenue Act 1959 which talks about management and control of such lands under this particular act.
  - In the same lands around 56 lakh hectares land that was considered as suitable for forestry purposes were sent for notification in the gazette u/s 4 of Indian Forest Act by MP government.
  - The same lands were declared as " forest land" by Supreme Court of India on 12<sup>th</sup> Dec'1996 on the petition number 202/95 famously known as T.N Godabarman case and a very abrupt definition of the forest land was given. These were again the land used by community especially tribal.
5. Those lands that were recorded as big bushes, small bushes, Jungle Jala, jungle khurd, junglat, mountain, rocks, charnoi, sarna, karat categories etc in the Nistar document of "Bazibul-ul-arz" -
  - The same lands which were transferred to forest department were found unviable for the forest purposes, a small portion of this land were transferred to cultivation of food grain project in 1966-67, in 1975 on the order of the State Cabinet the lands were ultimately transferred to revenue department in 1979.

- These same lands were again interpreted as forest land by the Supreme Court, and the process of determination whether these lands are revenue or forest is still going on.
- 6. The lands that were termed as "unoccupied land" i.e the nistari land under the Land Revenue Act 1959, on which various settlements were done, consolidation of land was done and the records were prepared
- The same lands were found as unviable for forestry purposes, through a gazette in a GO of 1965-75, the lands were shown as denotified and were transferred to revenue department u/s 34a IFA. Since the records were not corrected the same lands were again an order to transfer the same land the revenue department was passed in a later date. The land records were manipulated twice yet no body noticed the misappropriation and the revenue records are still not corrected.
- The rights on the same lands were termed as easement rights that include, customary/traditional/community rights MP Government filed a case in Supreme Court for taking 10.92 lakh hectare of land from the 1980 Forest Conservation Act and transfer it to revenue department. This task is also pending.
- 7. Those lands that were the "unoccupied land" recorded in the revenue Records such lands were allotted to the allottees after 1950 but due to unclear status of the land the cases were filed on the allottees, they were fined and were evicted and they were even sent to jail.
- The same lands were shown somewhere as un-demarcated protected forest, somewhere as demarcated protected forest and somewhere as orange area and even somewhere as revenue forest area by the forest department in their records.
- In the same land the allottees again faced the onslaught of forest department in 1996 where fresh cases of forest crimes were lodged against the patta holders, the patta were cancelled and eviction measures were taken against them who were allotted land way back in 1950.

This is not the isolated case but the story of whole of the country. In every state whether there is forest or not but forest department has encroached lakhs of hectare of community land in the name of forest management. How they have robbed this land is not known to this country and that needs to be brought out forth by people's movement, activists, academic institutions, research institutes so that a pressure is put on the government to take up this task at the policy level. Our organization National Forum of Forest People and Forest Workers have been conducting this study in UP which is still going on, but it is our estimate that in UP also the forest land dispute is not less than lakhs hectare of land. Already people movement has started in this region in the leadership of women who are questioning the land grabbing and robbing by the state and the companies and agitating to take control of the land by reclaiming their lost land and forest rights.

**The Dalit View On Land Reform:  
Pratapgarh And Neighbouring UP Districts,  
From Independence To 2007**

**Siddharth Dube**

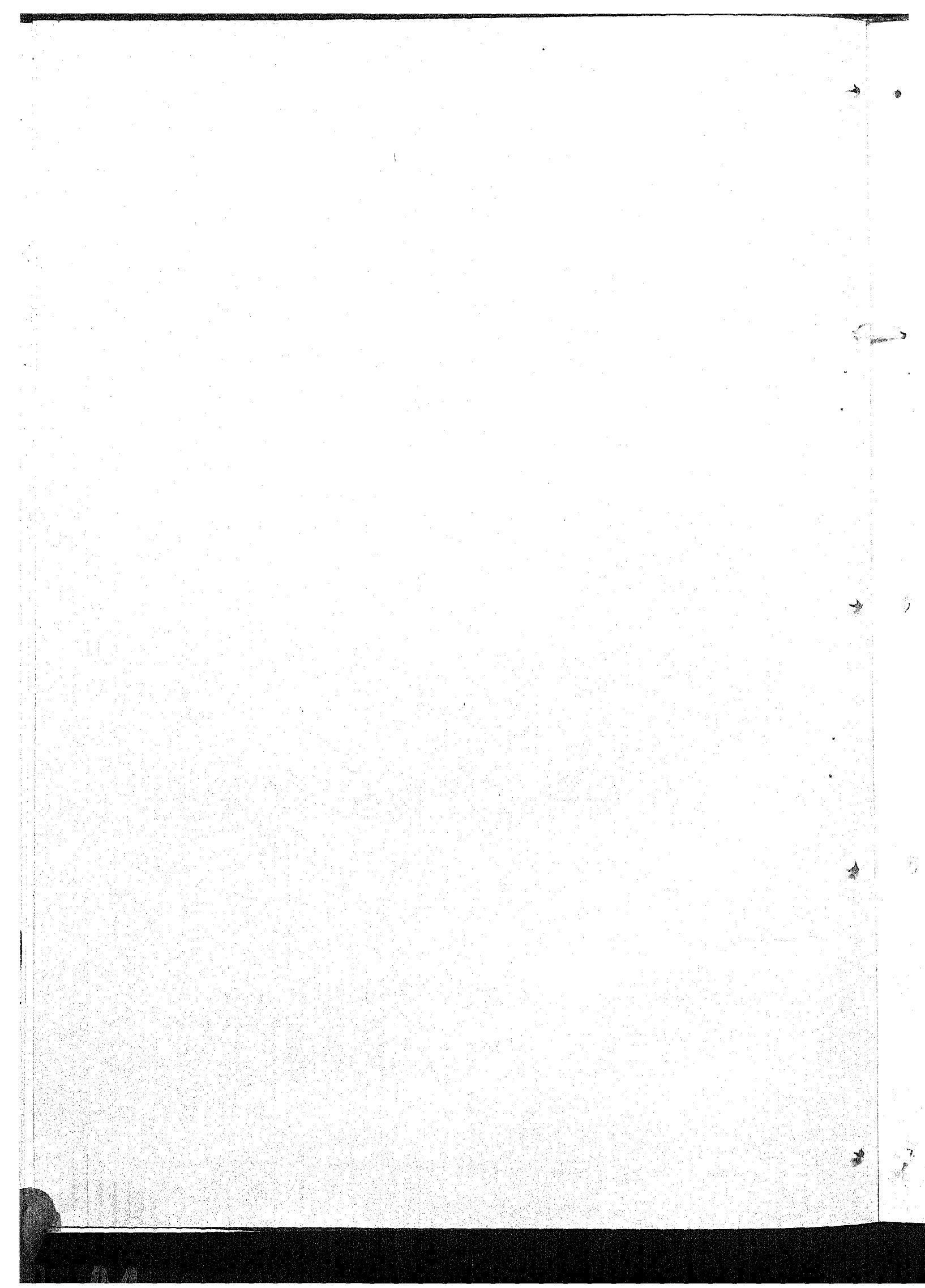
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## The Dalit View On Land Reform: Pratapgarh And Neighboring UP Districts, From Independence To 2007

Siddharth Dube<sup>1</sup>

For several years in the mid-1990s, I lived in the village of Baba ka Gaon, which is in Pratapgarh district, close to the border of Amethi-Sultanpur. While living there, I taped the memoirs of an impoverished Scheduled Caste family, the family headed by Ram Dass Pasi and his wife Prayaga Devi. Several generations of this family told me of their experiences over nearly three-quarters of a century, beginning in the 1930s and ending in 1997. I have begun to update this family's history with research that I conducted in Baba ka Gaon in 2007, and in a year from now will return to Baba ka Gaon to complete this research.

This paper focuses on the Dalits' view of the importance of land reform, as well of its actual impact on their lives and circumstances since Independence. The paper is essentially based on the perspective of Ram Dass Pasi and his family, as well as a small number of other Dalit families in Pratapgarh, Sultanpur and Rae Bareli districts. Much of the paper consists of quotes from them. To my mind, there is no better way of accurately documenting micro-level circumstances and change than through careful, unbiased documenting of oral history. We need to let the people we label as 'the masses' or 'the poor' speak for themselves. And we ourselves need to listen closely. Of course, for a truly insightful understanding, oral history needs to be combined with wider economic political and social analysis.

My paper is structured chronologically. It sets the scene, the baseline as it were, by analyzing the agrarian situation in Baba ka Gaon in colonial India and at the outset of Indian Independence. It then analyzes the record of each decade since, all the way through to 2007, paying particular attention to the epochal events in UP land reform, such as the abolition of zamindari and the several attempts at imposing land ceilings.

### Section I – The agrarian situation in Baba ka Gaon at Independence

Ram Dass Pasi was born in the early 1930s. At that time, and at Independence itself, the zamindars of Baba ka Gaon were the kinsmen of Rajapur and Rampur, who jointly controlled Baba ka Gaon as well as had independent zamindari title to several other villages. But de facto control of Baba ka Gaon was in the hands of the Thakurs of Baba ka Gaon, village landlords who were under-proprietors of the Rajapur and Rampur zamindars. In essence, the Thakurs of Baba ka Gaon were owners of about 800 acres of land that they leased from the Rajapur and Rampur landlords.

This is what Ram Dass Pasi has to say about the agrarian situation at the time of Independence.

*The zamindars were the slaves of the British but we were the slaves of slaves. Because of this we were so poor. We had only our miserable earnings from our labour for the zamindars. We would slave all day long for them and then get to eat a handful of grain at night.*

*Our zamindars were Thakurs. There were 3 Thakur families who controlled this village. They shared ownership of the entire village and its lands. They were rich and powerful people. They had about 800 acres of land between them.*

*Because of the zamindari system, we had no land at that time. Everything was in the control of the zamindars. Everyone used to work for them. Even the land on which we built our houses was theirs. The administration was theirs, the land was theirs, everything was theirs.*

<sup>1</sup> Siddharth Dube is the author of 'Words Like Freedom: The Memoirs of an Impoverished Indian Family, 1947-1997'. He is currently a senior fellow at the World Policy Institute, New York. An updated edition of Words Like Freedom will be published in 2010.

Each of the zamindars had groups of people dependent on them, and they would either give us land to plough as sharecroppers or give us work as field laborers. We were bonded by tradition. We were like slaves, we would only work for one family. They gave us loans and then made sure that we were never free of the debt.

At that time we were giving the zamindars Rs 10 for renting a half-acre field for the year. My family could sometimes afford to rent an acre or so. What would we earn? Nothing! There was no irrigation and productivity was low.

But the zamindars would pay just quarter of a rupee in rent to their overlords -- the zamindars of Rajapur and Rampur -- on a half-acre, even though we paid Rs 10 to them. They would give us land on either rent or on a sharecropping basis. The terms were up to their whims. They would give it to you for a year or two and then they would take it back, saying that they wanted to cultivate it themselves.

Sharecropping was half of the threshed grain -- you didn't share the husks. But then the zamindars started demanding half the husks too. They could demand anything they wanted because they owned all the land. Today a fraction of what you produce is enough to pay the rent. Then more than half of what you cultivated was not enough.

It was only sometimes that my family could afford to rent land from the zamindars. But even then we would need to work as labourers for them as we were so poor and the rent so high. The rest of the time we would do their field labour and be paid for the days they gave us work. For a day of hard labour they would give us one or one and a half kilograms of grain. And some of the grain would be mud and stones! You took that back to eat with your family. And that was just one-and-a-half kilos -- which an adult man could eat by himself! We would have to think what to do with this little bit of food -- should we feed ourselves or our families or pay our debts? So how much could a person save, what portion of this food could they forgo eating so that they could buy clothes?

Because we were paid so little our whole family would work for them, even the little children. Sometimes when we didn't have food, we would go and ask a neighbour and sometimes even they wouldn't give us because they had none themselves. Poverty and hunger go together.

## Section 2 – Zamindari Abolition, the 1950s

Ram Dass spent much of his early adulthood working in Bombay, the years from 1949 to 1962. But in 1952 and 1953 he lived back in Baba ka Gaon. In his first months back he witnessed the legal abolition of the zamindari system, under an act passed by the UP legislative assembly a year earlier.

This is what he has to say of those tumultuous, heady times.

We always thought that zamindari would end with Independence. Most of us thought that the zamindars would leave with the British and go to England!

The movement to abolish zamindari started much before Independence. We poor people didn't know very much earlier, we didn't even go to the market very much, we stayed around the village, but around the 1940s we started to learn that zamindari was to be abolished by the Congress. We used to hear about this in public announcements and meetings. Local officials like the patwari used to tell us that zamindari would be abolished.

I had come back to the village in 1952 from Bombay. This was the time when zamindari was finally abolished. In the market place of Pratapgarh town, the public cryer had beaten the drum and when there was silence he shouted, 'The system of zamindari has been ended...' I heard this because I was in the bazaar. Ten or twenty men from the village were there and we rushed back and spread

the news, saying that the drum had been beaten and this announcement made. The Thakurs in the village were very upset, saying that their rule had been finished.

Ram Dass witnessed the formal abolition of zamindari in 1952, but it was while he was away in Bombay for another decade that the changes legislated by the abolition bill actually affected Baba ka Gaon.

He says, *People in the village told me that in 1954 the government officials first came and did a survey of the land and how much there was, whom it belonged to and who was renting it, and then they left. They came with some other people, who were not officials, and started measuring the land like people possessed! They were here for only a few days. They stayed at the village headman's house.*

The process of giving title to tenants who possessed stable occupancy tenure -- called *maurusi* -- was completed in 1956 in Baba ka Gaon. The village Thakurs were not much affected by this process as very little of their land had been given out under stable tenancy rights. But they fought fiercely against the second phase in which the sub-tenants or subordinate cultivators -- known as *shikmi* -- were to be given title, as most of their land was worked by tenants-at-will and sharecroppers. As the zamindari abolition act recognized the claims of these sub-tenants, the Thakurs risked losing ownership of this land.

Ram Dass says, *The shikmi was in 1959. There was a lot of tension at this time. Either you agreed to leave your land, or if you decided to stay you had to fight against the Thakurs. Much of the land that was supposed to go to the tenants didn't go. We couldn't retain possession of the land. The Yadavs got the most land and the Mauryas [somewhat less but us Pasis the least. It so happened that the Yadavs were cultivating the Thakurs' land slightly far away from the village but the Mauryas and Pasis were cultivating land close to here. The Thakurs managed to keep most of their land here, though they lost some to the richest Mauryas, but the Yadavs managed to wrest the land that was at a distance because the Thakurs went there very little.*

*Only those people who already had some land fought, as they had the means to live! Whoever didn't have the means to fight left the land and just depended on God. There were no physical fights in our villages, though it did happen in other villages.*

*If you decided to fight, the nayap came with the papers. He would tell people that your case was filed and would be heard at this time. People were asked if they wanted to compromise, which could be done here and now; and if not they could fight it out. The nayap used to collect all the people from the village. He would explain to everyone, 'Don't fight unnecessarily, you will waste your money if you do, only people who know they are in the right should fight the case'.*

*No one from the Scheduled Castes fought against the Thakurs. We were too poor and too scared. And only two Scheduled Caste people got land in these years. My maternal uncle was one of them. Two acres were put in his name. But he lost most of this land later because he was blind and the Thakurs cheated him.*

By the close of the 1950s, by which time all the changes driven by the zamindari abolition legislation had been implemented, the agrarian situation in Baba ka Gaon and its vicinity was not remarkably different to colonial days, certainly when seen from the perspective of impoverished families like Ram Dass'. For all the hopes and passion it had ignited in the poor, and the intense

worry engendered in the landlords, zamindari abolition proved to be nothing close to a significant reordering of the agrarian order. The concentration of land ownership weakened somewhat, but measured by the power of the upper castes or by the numbers of landless, little had changed.

Of UP's rural population of 50 million people, the poorest half to two thirds were left as bereft of cultivable land as earlier. [1] The failure to redistribute land in their favour was tantamount to condemning them to several decades more of poverty, exploitation and oppression. [2] Had the millions of landless, low-caste families like Ram Dass' been made owners of even tiny fields during the abolition of zamindari, their future in independent India would have been radically different to what transpired.

In the area around Baba ka Gaon, even after the abolition of zamindari, the wealthiest and most influential families remained the grand landlords, including the rajas of Amethi, Pratapgarh and Kalakankar and, some levels below them, the landlords of Rajapur and Rampur, the overlords of Baba ka Gaon. Though shaken by the abolition of their privileges, the shrinking of their estates and the loss of steady revenues, they were still wealthy -- some fabulously so -- and still rulers of much of what they surveyed. Most still owned several hundred acres as home farms, huge areas of groves, and, in some cases, many hundred acres more of land now held in the names of relatives, servants and even fictitious tenants. The compensation they received from the government they invested in boosting production and profits from their farms and groves. Adding to their income were profits they earned from the large amounts of land that they did not manage themselves, which they gave out on sharecropping arrangements -- which were still legal -- or from surreptitious tenancies. They made sure that neither sharecroppers nor their tenants could ever assert tenancy claims. Thus, the capable among them were ideally placed to begin to multiply their wealth and to capture power in this new India. Those who saw their wealth slip away in the next decades could, in honesty, only blame their own profligacy; the terms of zamindari abolition had been too favorable to them to blame their ruin on the Congress.

The prosperous Thakurs of Baba ka Gaon were in a similarly enviable position, as the abolition of zamindari had led to only a slight broadening of land ownership in the village. They were now outright owners of much of the 800 acres of land on which they earlier paid a nominal rent to the Rajapur and Rampur overlords. The land they owned was the best in Baba ka Gaon. They had lost control over the village public lands, some land under occupancy tenants, as well as a small portion of the land they had earlier given out to sub-tenants and to sharecroppers. But not only had they been well-compensated for these losses by the government, they had also succeeded in illegally putting in their names a large chunk of the village's waste and degraded lands. And as they had large crop surpluses to sell, they also benefited enormously from the low taxes on agriculture.

But though the Thakurs were well-placed, they were no longer the only controllers of cultivable land in Baba ka Gaon. Some of the former tenants and sub-tenants (two Brahmins and several middle caste families) now owned ample holdings, in some cases as much as 10 acres. And two former sharecroppers -- both, extraordinarily, Scheduled Caste -- each also owned fields of an acre or so. Another blow to the power of the Thakurs was that the home-sites in Baba ka Gaon no longer belonged to them but to the government.

Though zamindari abolition had made owners of some former tenants, it had hurt a much larger number of families in Baba ka Gaon: smaller rent-paying tenants and sharecroppers from the lower-middle and Scheduled castes, many of whom had been evicted by the Thakurs. A large number were reduced to working solely as labourers on daily wages, because the Thakurs and other new

landowners were now wary of leasing out their land. Even those who were allowed back as sharecroppers had no hope of ever claiming tenancy rights as the landowners made sure to never let them cultivate the same field for more than a year or so. Wage rates remained as low as ever because an even larger proportion of the village's families were now dependent on wage labour. While the Thakurs' ability to demand that tenants and labourers provide them *begar* or *hari* and other dues weakened somewhat because they were no longer the only land-owners in Baba ka Gaon, these abuses continued for several decades. The local police, all drawn from the upper castes, were not inclined to enforce laws that had been drawn up in distant Lucknow.

Though his family's destitution and oppression did not diminish one whit as a result of zamindari abolition, at least in the next several decades, Ram Dass says he was not disappointed. Just the legal ending of zamindari was sufficient for him: even if the former landlords remained the *de facto* lords of Baba ka Gaon, at least they were no longer the anointed, legal lords. India's Independence had brought, in form, if not in fact, what Ram Dass had long dreamt of. He was content with just this grudging measure. He says, *Maybe we didn't get any land from the ending of zamindari, but at least we escaped from slavery!*

### Section 3 – Land ceilings, the 1960s

In contrast to their strong and informed views about zamindari abolition and its impact, Ram Dass and others I have interviewed have little to say about the Congress' major redistributive effort of the early 1960s – specifically, the imposition of ceilings on agricultural land and redistribution to favour the poor. Their silence is the clearest and most powerful indicator that this effort did not have the presumed impact on their lives and well-being.

In UP, the need and scope for redistribution was enormous, as the abolition of zamindari had not reduced the enormous inequities in land ownership, and quite possibly had increased them. [4] At the beginning of the 1960s, one-fifth of UP's 13 million rural families were landless. Another quarter of the rural population -- including Ram Dass' family -- owned less than one acre each. Together, this mass, verging on half the province's rural people, owned just 1.6 per cent of the cultivable land. In contrast, the top ten per cent owned well over half the land, with a sizeable number of this elite still controlling thousands of acres of land. [5]

But the land ceiling act that came into force in UP in 1960 was so mild and so riddled with exemptions that it imposed nothing more threatening than a generously high ceiling per family of five members of 40 irrigated acres or 80 unirrigated acres, with an additional 8 acres allowed for every additional family member. Under this ludicrous formula, a landowner could retain 128 acres of land in addition to limitless orchards and land covered by other exemptions. [9]

Given the abundant exemptions, the UP government itself from the start expected very modest results in terms of the amount of land that would be declared surplus: nothing more than four hundred thousand acres, just about one per cent of the province's cultivated area. But the results fell far short of even this modest goal. Just 20,000 acres were redistributed, of which fully half were unfit for cultivation. [10]

In Baba ka Gaon no land at all was redistributed to the poor. To the contrary, the village Thakurs secured for themselves title to all the degraded land around the village -- about 30 acres -- as well as the rights for fish-farming in the large pond outside the village!

No wonder Ram Dass and others have nothing to say about this effort – it was a non-event from their perspective.

## Section 4 – Garibi Hatao, the 1970s

Ceilings on agricultural land were a major initiative of the Garibi Hatao strategy. Though the central government's recommendations were less generous than those issued under Nehru a decade ago, they were still so rife with exemptions as to be incapable of real transformational impact. A ceiling of 10 to 18 acres was proposed for the best irrigated land, but farmers with private irrigation were permitted to own more, a resounding victory for the larger farmers' lobby. Each family could own an additional 27 acres of single-cropped irrigated land, as well as fifty-four acres of dry land or orchards. Moreover, the exemptions allowed were just marginally less liberal than the farcical ceiling law of the 1960s, with exemptions remaining in place for plantations, charitable or religious organizations, co-operatives, and agricultural universities or institutes. [11]

Not surprisingly, given the liberal exemptions and scope for classifying prime land as 'single-cropped', the Central government expected that only 4 million acres of land, about one per cent of India's total cultivated area, would be acquired for redistribution. In contrast, if the stricter ceilings and exemptions proposed in a government planning document had been adopted, over ten times that amount would have become available for redistribution. The planning document estimated that redistribution of this higher amount of land would lower the number of people below the poverty line from 40 to 33 per cent. [12]

The UP government projected that the enforcement of the ceiling legislation would at most result in 400,000 acres being declared as surplus, a sum smaller than that expected under the farcical first ceiling act of 1960. Eventually, implementation of the act was so poor that just 200,000 acres were declared surplus and only about half of that was actually allotted. By the state government's calculations, about 200,000 families benefited from this redistribution effort. But in reality a large proportion of these families were not able to gain control over the plots allotted to them because of the ire of the landlords and half-hearted enforcement by the government, or found themselves owners of barren slivers of land. [14]

*Ram Dass comments: There were some small improvements. A little land was distributed to the poor. Till then of the 80 families in the village only about ten owned land. Almost none amongst the Scheduled Castes had any land. This did change because of Indira Gandhi's Garibi Hatao. But till today, it is only the Thakurs and some of the middle castes who have enough land. The rest don't even have enough to feed their families from.*

*Poor people were supposed to get enough land to live on. At a minimum they were to get enough land to make full use of a plough and pair of bullocks. This was about 3 acres. But in practice, people got two-thirds or one-third of an acre or even less. My family got one-third of an acre.*

*All the landless people in the village got titles to land, but some were never able to take possession and others were able to take possession of only a little bit of the land allotted to them. The Thakurs threatened that they would cut us into pieces if we tried to take possession! They harassed anyone who protested. And they filed legal cases against our taking over the plots, and we poor people were ensnared in these cases for years. Many of the poorer people just gave up sooner or later. Some of them don't even know till today where the land is that they had been allotted!*

*Even with the allotments made from the village land, the pradhans, who were always Thakur or Brahmin, put the land in the name of their own relatives!*

*Three landless families in Baba ka Gaon have land on paper, but they will never get possession. One is a Pasi and another two from middle castes. The law is that whoever has title should be given possession. The laws are very clear and strong to say that action should be taken if people aren't allowed to take control of the land given to them. But who is going to enforce this, who is going to take action? No officials came to ensure that things were being done properly. The ones who are supposed to implement are the ones who benefit from the law not being implemented! For all her promises, Indira Gandhi was always so busy visiting hundreds of countries that she never had time to see the poverty at home or to see whether her laws were working!*

### **Section 5 – The 1980s**

The 1980s were a decade of inaction in UP on land reform, certainly when seen from the perspective of Ram Dass, his family and other Dalits in Baba ka Gaon and the other villages in which I did interviews. Indeed, this is an accurate reflection of the political and policy level too, because after the Emergency, the Janata government and then Mrs Indira Gandhi and Rajiv Gandhi turned away from even the rhetoric of land redistribution.

Of course, some of the momentum of land reform from the 1970s spilled into the early 1980s. Thus, it was only in 1982 that Ram Dass and his family finally got possession of the one-third of an acre that had been allocated to them under the Garibi Hatao effort.

But there were no fresh initiatives on land reform in the 1980s, and this decade really saw the expansion of the poverty alleviation programmes, several of which had been started during the Garibi Hatao effort.

### **Section 6 – The 1990s**

I'm now going to give a detailed picture of the agrarian situation in Pratapgarh, Rae Bareli and Sultanpur in the 1990s, as seen from the perspective of Ram Dass and other Dalits that I interviewed at length from 1995 onwards, when I began to live in this area. So this is a picture of how the agrarian situation has changed for these Dalits in the first 50 years of Independence, from 1947 to the mid-1990s. Of course, the pace of change on land reform was greatest in the first three decades, and has slowed further and further since then.

In Baba ka Gaon, at the time that India marked its half-century of Independence, of the village's 100-plus households roughly two-thirds were still deeply impoverished. At least 50 were so poor that they almost certainly fell well below the official poverty line, with the poorest 5-10 of these families destitute. About 25 of these were from the Scheduled Castes, a slightly smaller number from the lower ranks of the middle castes, and the remainder made up by all 7 of the village's Scheduled Tribe families. These desperately poor 50 families owned no more than two-thirds of an acre each, almost always infertile. Of these, 5 families owned just one-sixth of an acre each. Three had no land at all.

Ram Dass says: *Nearly everyone in the village has very little land. All the people who got land from land reform got very little land. Some have one-third of an acre, others have two-thirds. Very few got more than two-thirds of an acre from the land reform, even though the government had said they would be given three acres each. But they just gave these little bits of land, not what they had promised. And the land given to most families was so bad that it is of no use to them.*

Another 10 households were middle-ranking in terms of income and well being, ranging from those who are just above the threshold of extreme poverty to a few who have relatively ample incomes, sufficient land to feed themselves and just the right number of able-bodied adults. This small group comprised a large number from the middle castes and the better-off Scheduled Caste families, including Ram Dass'. The middle-ranking families in Baba ka Gaon typically owned between 1.25 to 3 acres. In 1997, Ram Dass' extended family of 13 adults and four children shared about 2.5 acres, but their finances were hugely improved by his son Shrinath's salary – he is a teacher in a nearby government primary school.

Above this handful of middle-ranking families were about 30 comparatively well-off households. This group essentially comprised 20 Thakur families who are descendants of the 3 Thakur families that controlled Baba ka Gaon, 3 Brahmins, and about 5 of the higher-middle caste families. The most prosperous families in Baba ka Gaon are the 20 Thakur families. At a level of wealth equal to that of the less prosperous of the Thakurs are the three Brahmin families. About five of the higher-middle-caste families are also relatively prosperous in terms of the amount of land they own, but still do not approach the Thakurs in terms of other assets, such as the size of their homes or monetary savings.

Primarily because the three original Thakur families have branched out into 20 smaller families, none of the Thakurs individually owns more than about 35 acres and about an acre of orchards. While the two largest landholders in the village would by national standards be classified in the top bracket of landowners -- and also be violating UP's land ceiling laws -- the remaining Thakur families on average own about 10 acres each, which ranks them as large holders by current Indian and UP standards.

But though their individual holdings are no longer on the scale of their undivided families, the amount of land owned by Baba ka Gaon's Thakurs as a group has not greatly diminished since the abolition of zamindari. Moreover, of the land sold by them in the past 50 years, the bulk was bought by the higher-middle castes, with only a small amount purchased by the few Scheduled Caste families -- including Ram Dass' -- who have improved their economic position. The rest of the families in Baba ka Gaon have simply been too impoverished to purchase any land.

Summing all this up, Ram Dass says: *Apart from the Thakurs everyone was poor before zamindari abolition. Some of the Banias did have money from business. The middle castes were also poor, though not as poor as us Harijans. And even up to now, the richest are the Thakurs, then the middle castes, and the poorest are the Harijans!*

*The Thakurs had all the advantages earlier -- they were rich, they were educated, they had land, and they had us Harijans to be their slaves. So it is not surprising that till today they are the lords and we are still poor.*

Mata Prasad, a Pasi man in his forties, comments: *All the Thakur families in the village are much richer than the middle castes and Scheduled Castes. Now there are 20 houses of the three zamindars. Because of this their holdings have become less. But they still have more land than families of other castes. They have more money. And in each of their families there is someone with a job. They have government jobs – one is a professor, another is in the police, someone in the army. The poorest Thakur has 3.5 acres and quite a lot of money. He sold a lot of his land. The richest, the former pradhan, has more than 35 acres, and he is alone, no brothers. Another of the richest lives near Rae Bareli. He supervises the work on the land he owns here and then leaves. He is a businessman, he has a brick kiln and lots of land in other villages. He comes now and again on his motorcycle, creates all kinds of trouble and goes away.*

Ram Dass says, *These rich people will even take our little land away from us! Bhagwan, who is of my caste, has had all half his land eaten up by the Brahmin lawyer from Lalganj. The Brahmin has*

got the lekhpal to draw a boundary across part of Bhagwan's land. Bhagwan has been working this land for the last 20 years since he got it on patta [from land reform]. It was very poor land, sloping, but Bhagwan cut it and worked on it until it was good. Then the Brahmin paid off the lekhpal and got the land!

Durbhe, Ram Dass' young relative, adds: *The Thakurs have also forcibly occupied the village waste land, about 35 acres of it. They are sitting over it like a cobra with its hood spread.*

### **The Rajapur zamindars**

I'm going to look beyond Baba ka Gaon, to describe the agrarian situation in other parts of Pratapgarh, Rae Bareli and Sultanpur districts in 1997. I'm doing this because even within these contiguous districts, the equation between the upper and lower castes varies enormously from village to village. Thus, even in some villages neighboring Baba ka Gaon, the power of the upper-caste landlords -- and their monopoly on land -- is often almost as absolute as it was before the abolition of zamindari a half-century ago. Their hold is reflected in their being able to keep wage rates for labourers very low, in some instances three times lower than in Baba ka Gaon. Generally, these are villages where the upper castes far outweigh the lower castes in number.

I'll first take up the impact of the land reform efforts over the 50 years to 1997 on the former Rajapur zamindars, who controlled Baba ka Gaon with their kinsmen of Rampur.

Lalit Kumar Saroj, a distant relative of Ram Dass' who lives in a nearby village, worked for decades as a guard at the home of the Rajapur zamindars, the overlords of Baba ka Gaon, a job that his father had also done for decades. He left this job in the early-1990s, when he was well over 70 years old. These decades of association made him uniquely intimate with the affairs of his and Ram Dass' erstwhile overlord.

Lalit Kumar says: *About 5 or 6 people still work at the Rajapur kothi. When I first joined, about 40 or 50 worked there. The zamindari covered 12 villages and all the land in the villages. Today, near their home, they still have 50 acres on one side and 40 on another, between 3 brothers. They have more land further away, not even counting their orchards! Altogether, they have more than 125 acres apart from the orchards. They leave about 40 acres fallow. And they have about 20 acres of mango orchards, which they sell to contractors each year.*

*The zamindar is Lal Pratap Singh. One of his brothers is a lawyer in Pratapgarh. They are very educated -- in Allahabad and Lucknow. The other brothers look after the land. None are in politics. They still have a lot of cash but they don't show their money. They have tractors and jeeps.*

*They hire labour; they don't allow sharecropping. They have very recently stopped the old system where they would give half an acre or so to the labourers who work for them; they are still some left, particularly on distant areas of their land, but this is a diminishing practice. They know that even poor people now know about the tenancy law -- that tenants get title to the land after 10 years -- and they don't want them to stake their claim.*

*I have 3.5 acres of land. My elder brother and I each had 2.5 acres that we received from our father. He was given this land by the Rajapur zamindar. Since then we have increased the amount of land we own. My brother now has 7.5 acres of agricultural land and 2 acres of orchards.*

An old man from the Nai community says: *In our village, we Scheduled Castes were about 20 years ago each given about one-seventh of an acre by the government. Not only was this very little land but most of the land was such that three generations could spend their lives working to improve it and it still would not produce anything! So we have land only in name because we end up spending more on the land than we get from it. If you saw the land you would understand why!*

*And, anyway, if you do start producing something, the Thakurs will occupy it! There was a hillock that I had chipped away at and levelled and when it was flat the Thakurs occupied it!*

*A young woman says: Some don't even have this much. We have to depend on our children to send us money so that we can eat. Our small children have to go and work in roadside shops. My small son works in a shop where they repair stoves. People learn trades because they have to live.*

*Lalit Kumar continues: Pasis, Nais, Chamars, Yadavs, Mauryas -- they all had land here as sharecroppers at the time when zamindari was abolished. The Pasis had taken a lot because they were numerically large. The Thakurs would never work on the land. They would give us a little patch to cultivate in exchange for our having to cultivate the rest of their land. When zamindari was abolished, we sharecroppers were forced off the land. None of us poor people had any money when these reforms began. And we were all illiterate. But the rich people knew everything about the laws and paperwork. Because of this we were all fooled. Whatever was told to us we believed. Anyway, very often we didn't even know whose land we used to work on, we were that simple! Because of this the Thakurs cornered all the land during zamindari abolition.*

*It was only when some of us started going out that we acquired some knowledge about these things. Thus, even though the reservations for government jobs had been started since Independence, none of us knew how to take advantage of the reservations. It was only when our people rose up somewhat that we gained knowledge of these things. Some became teachers and learned about the law and our rights. Before that the Thakur teachers would thrash the students from the Scheduled Castes and purposely fail them!*

*Ram Lal, a destitute Pasi man, says: We are three brothers who own two-thirds of an acre between us. We also support a mother and several children on this. Earlier we used to work as sharecroppers, we would take one acre or more, but when the zamindari abolition law came the Thakurs took the land away from us. Now they give land on sharecropping only for year.*

*We all get angry that the Rajapur zamindar and the other big lords have so much land lying fallow, when we are dying for land. But most of the time we are so busy trying to survive that we don't think about it.*

### **Amethi, Sultanpur district**

Ram Dass' father was from the village of Ranipur, earlier part of the large Amethi zamindari. The village is 8 km from Amethi town, and roughly 25 km from Baba ka Gaon.

Ram Dass's closest relative in Ranipur is Babu Lal, his father's first cousin. Though 80 years old at the time I interviewed him, Babu Lal's memory and mind are sharp.

Babu Lal says that of Ranipur's roughly 150 families, about 6 have no land at all. Another 6 own less than half an acre. Of the remaining families, about 70 have just over an acre each. Babu Lal's extended family of 11 adults and several children owns one-and-a-half acres. With the other two dozen Scheduled Caste families, they are amongst the poorest people in Ranipur. The richest are the 13 Brahmin families, descendants of the former village landlords, who now each own between 10 to 15 acres.

Two men of the Koeri caste discuss their situation with me. Ram Salawan is the younger of the two, probably no more than 25 years old. He owns one-sixth of an acre, which he inherited from his grandfather, who received it under Mrs Gandhi's land reform programme. He has title to another one-sixth of an acre, also from the land reform programme, but this is under a legal battle as one of the Brahmin landlord families has refused to relinquish it. In the six years since he was formally

given title to the field, Ram Salawan has never been able to cultivate it, first because the landlord threatened to kill him. In about 1992, Ram Salawan tried to start working the field but at this point the landlord began legal proceedings in the district court, which passed a stay order under which the landlord is allowed to continue cultivating the field until the case is decided. Ram Salawan says that he has spent about Rs 2,500 on legal and transport costs in three years alone. He has to travel on average once a month to the court in Sultanpur, about two hours away by bus, which costs him Rs 10 each way. The lawyer charges Rs 23 per hearing. Ram Salawan says there is no legal aid for the poor or for those from the Scheduled Castes. The land is worth between Rs 5-7,000 as it is only of average quality.

Ram Salawan says: *The Brahmin has about 10 acres, with about 6 persons in the family. And here I am with 7 people living on less than one-sixth of an acre. he could only study up to the 4th grade because his parents were as poor as he is now.*

### Rae Bareli district

The village of Kachwahan ka Purwa -- literally, the hamlet of the Kachwahan Thakurs -- is in Rae Bareli district, 35 kilometres or so from Baba ka Gaon. I went there in 1995 because a Thakur had lopped off the arms of a young Dalit man.

Kachwahan ka Purwa is smaller than Baba ka Gaon. Of the 40 or so families, roughly a dozen are upper-caste, the rest middle and Scheduled Caste. Between them, the middle and Scheduled Castes own only 5 per cent of the agricultural land in the village, substantially less than that owned by these groups in Baba ka Gaon. Though title to plots were given to tenants and also to the landless during the several rounds of land reform, most of these people have not been able to occupy the land they had been given titles to.

The father of the Dalit man who was assaulted, says: *I work as a sharecropper because the Thakurs have not allowed us to take possession of the land that belongs to us. My father has half an acre of land near the pond but we have not got possession of it. The few times I cultivated the land the Thakurs prevented us from harvesting the crop -- they beat us up, so we stopped trying to work it. And anyway it is useless land because it is most often inundated by water.*

*What is the point of fighting, of going to the courts? We went to the court and won the case about our land but even then the Thakurs bribed the court people and got the case dismissed.*

*My son has studied until the 10th class. Earlier, like me, he would work in the fields or doing whatever else we could get. We have no other work. You can get work everyday if you want, but the wages are only Rs eight or ten for a 13 hour day -- from 6 am to 7 pm and sometimes you will have to work even later. (Wage rates in Baba ka Gaon were nearly twice this at that time.)*

*But even at these low wages the Thakurs will not pay us what we are owed! We are owed about Rs two thousand in back wages but the Thakurs have not paid us. I made that house [pointing to a large brick house] but they have not paid me yet. When we go to ask them they shout at us and say, 'We have no money so come back in 4 or 5 months.'*

The District Magistrate at that time recounted his experiences with land reform: *You know, poor people are so scared of fighting for the land that they have been given title to that I often find them*

*saying that they don't want the land. Or even more common, they will give it to us in writing that they have possession, when actually the Thakurs still have it!*

*During disputes I send police to see that the poor get possession of the land. At this time the Thakurs won't do anything. But the minute the police go back the situation reverts to the status quo. The Thakurs are still too powerful for any poor person to challenge them.*

*I sometimes feel it is almost like going against nature to take land from the rich and then to give it to the poor. It's much easier to allow the rich to grab the poor's land!*

*The resistance to land reform comes because the landowners feel that this land belongs to them and should never be given to anyone else. Even if their land is taken away and merged with the gaon sabha land, they continue to act as if it is their land. In fact, they often act as if all gaon sabha land belongs to them!*

*And anyway, there are a lot of exemptions given in the ceiling laws. For instance, take groves, which are exempt from any ceiling. Because of this a lot of landlords have converted their agricultural land into groves. They also do this because it is difficult to get the manpower needed for agriculture as the old system of begar is no longer available to them.*

*In Rae Bareli district, to date only 4,000 acres have been taken over as surplus land. That's really nothing at all! There are thousands and thousands of acres left with large landowners. Much of this land is left fallow, which is a waste of a national resource. The problem is not that we don't know which land or how much is benami. We know all this. The problem is to act.*

And commenting on the Dalit family being owed a huge sum by the Thakurs, he says, *No poor person in his right mind will go to the police to complain about this or other kinds of exploitation. They will either try to resolve it or will just forget about the money they are owed.* He adds, reflectively, *Academics always emphasize how poor people in rural India are always in debt to rich people. But everyone overlooks how the rich owe money to the poor and never pay! This is just another way for them to keep the poor in their power.*

#### **Land reform in the 21<sup>st</sup> Century in Baba ka Gaon, Sultanpur and Rae Bareli**

From my research so far, it appears that the momentum of land reform of agricultural land (as against residential plots) in UP has slowed to a trickle in the past decade – in fact, one could say it has come to a complete halt altogether.

In Baba ka Gaon, the elder son of Ram Dass, a schoolteacher, says: *To my knowledge, only two, three or four people have got agricultural land from the govt in the last ten years. Most of the land has been allotted very far away, and not much of it is fertile.*

He adds, *And even of these only one or two have taken possession of the land. In some cases this is because if someone gets land allotted which belonged to someone else, the new owner voluntarily lets it lie for two to four years. If he starts using it immediately and someone starts legal proceedings, it will be a problem. So they have on their own decided to let it lie for a while and see how it goes. Then they will take possession.*

(10)

## **Landlordism Without Landlord : The U.P. Land Reform**

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National Seminar on  
**Land Reforms in Uttar Pradesh : Retrospect and Prospects**

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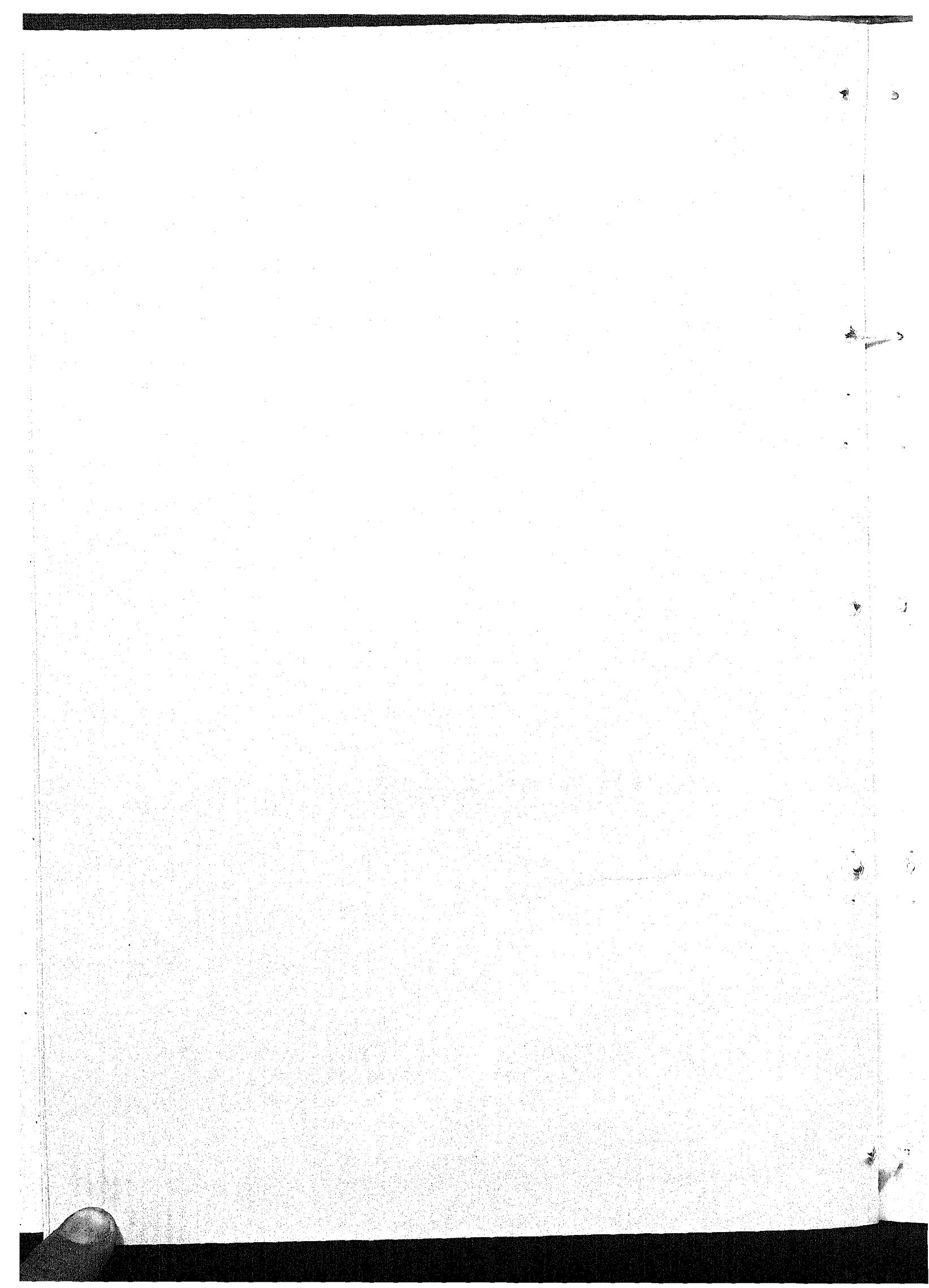


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## Landlordism without Landlord - the UP Land Reform

### Introduction:

"She is a messiah. People like me have been getting disenchanted with her as nothing was coming to us despite having a Dalit chief minister. But then I got this piece of land. Now we realize that the administration listen to us". This was Raju, a dalit landless labor, quoted in Hindusthan Times, Lucknow, (July 21, 2008) on Mayawati, the UP Chief Minister, after getting an acre of land as part of redistribution of 191 acres of land which was made into gaon-sabha land after chakbandi (consolidation). This land was redistributed among 212 erstwhile landless laborer of Kalpi, Jalaon district, which included 145 scheduled castes and 64 other backward caste.

Rigizin Samphel, the district Magistrate of Jalaun district was quoted by the HT correspondent saying "It was one of the toughest tasks that we have accomplished. We did not stop at allotment only. Within a week of allotment, we deployed the Provincial Armed Constabulary, the police and over two dozen *tehsil* officials to give possession of the plots to the beneficiaries". For the poor beneficiaries the police help was necessary as this gaon-sabha land was under the control of the upper-caste people who are unwilling to leave.

The Sub-divisional magistrate added "We are going further: not all the plots of land are good – some are uneven or barren. We have decided to suggest means to use a particular piece of land. We will also give options to plant cash crops and provide sapling free of costs."

According to Mayawati's announcement in 2007-08 the pattas of 10,078 hectares of agricultural land has been allotted to 51,319 poorest of poor among the scheduled castes and scheduled tribes, compared to 19,500 pattas given in the last year. This year the target has been doubled (Hindusthan Times, Lucknow, July 27, 2008)

This micro-study illustrates the fundamental conditions of land reform. There are, in fact, three basic conditions for genuine land reform. The first is the dispossession of a class of landlords without or little compensation and the distribution of the land to the peasantry and the agricultural workers who were dispossessed by the landlordism. The second point is that the land reform is a non-market intervention initiated from below by mass organization which also has to have the state support for its success and sustenance. A land reform in order to be successful has to be implemented within a short period of historical time. It also needs inclusive agricultural policy with active state support (See Ramchandran, V.K and Swami Nathan Madhura, *Agrarian Studies – Essays on Agrarian Relations in Less Developed Countries* on this p.xxvii).

### II. Land Reform in UP : Absentee landlords to absentee peasants

Land reform entered the mainstream of the UP politics in the 1945 – 46 election. In the election –eve campaign, Jawaharlal Nehru, Congress's most radical face at the time, emphasized repeatedly that the nawabs and rajas would find no place in the new order. In the election the Congress won overwhelmingly in the general seats, but rejected badly by the Muslims in the Muslim seats. The ministry that was formed was distinctly moderate. The Chief Minister, G. B. Pant, was, to quote Peter Reeves, 'inflexibly moderate'. True to their election manifesto, the Government announced the formation of the U.P. Zamindari Abolition Committee (UPZAC henceforth) in October 1946. Except Ajit Prasad Jain and Vishambar Prasad Tripathy – who talked about cooperating farming replacing entirely individual farming and village community taking control of these land – all other members were protagonist of the 'peasant proprietorship' and distinctly moderate in their approach to the Zamindari abolition. One member – Begam Aizaz Rasool – was landlord's representative. The socialists and the communists were out of reckoning in this process after they have resigned from the Congress.

The Congress Chief Minister, G.B. Pant, 'inflexibly moderate' in his approach, was not hostile to the Zamindars as a class. He entrusted Charan Singh with the task of drafting the UP Zamindari Abolition Committee Report (UPZAC report henceforth). In his *Abolition of Zamindari* in 1947, Charan Singh talked about private property and 'peasant proprietor'. He did not

'seek the elimination of the 'Zamindar' who is not a landlord but .... is a mere holder of land or tiller of the soil in his ownership. 'Abolition of Zamindari' simply means, and ought to mean, abolition of the landlord-tenant system and no more' ( Charan Singh, *Abolition of Zamindari*, p.131)

The UPZAC report was explicit in its assertion they would not like to confiscate land for redistribution the land as the hardship and discontent that it might cause will not be in commensurate with its achievement, and further, the land that will be so available will not be enough to make the innumerable small units economically viable. Only the land not under cultivating possession of the landlords will be taken over on payment of appropriate compensation (UPZAC vol.1, p.389). 'Cultivation' or 'tiller of the soil' in this connection was defined as the person who 'performs the manual task of cultivation', 'provides the finance', 'manages and supervises the holding' and 'takes the risks involved'. The employment of the casual labor was allowed so long the owner performs the last three tasks.

This definition of 'cultivation' gives 'the zamindari abolition in UP a particular shape'. Reeves describe the process succinctly :

Abolition on this basis became fairly straightforward: identify the 'cultivator' and confirm the cultivator in that position with secure rights by eliminating the right of any other person which interposed between the cultivator and the State. Thus zamindar would retain their sir and khudkast, and their grove land (since in all these types of land they were the cultivating possession); and tenant-in-chief would then retain the land which they now held from any zamindar or other intermediary, all right of the zamindar having been extinguished. ( Reeves, P. p.286)

At the time of the abolition 10,235,000 acres, let and un-let, have been recorded as *sir and khudkast* land which is 18 percent of the recorded land. They succeeded in restoring 79.5 per cent of them through eviction and other means. (Hasan, Z., p.75). The delay in the passage of the act helped the zamindars in their depredations. Six year had passed since the passing of a formal resolution announcing the abolition of zamindri in UP in August, 1946 to the time of sending direction to the rural record keeper in 1952 for updating the land records, giving the zamindars ample time to restore their land ( For lucid description of the process, see Whitecombe, E. "Whatever Happened to the Zamindar" in Hobsbawm, E.J. *Peasant in History*)

Bewildering varieties of tenure in the pre- Zamindari period was replaced by the two main forms of tenure in the Act: *bhumidars* and *sirdars*. Under the new arrangement the vast majority of the peasants will become *bhumidars*. Ex-intermediaries were to be treated as *Bhumidars* in respect of their *sir and khudkhat* land and so also will be the tenants who pay ten times of their rent. *Bhumidars* paid low rent and were entitled to transfer their rights and use their land for the non-agricultural purposes. Under the new scheme the *sirdars* could acquire *bhumidari* right and , with it , 50 per reduction in land revenue by depositing ten times of their annual rent for their land with the Zamindari Abolition Fund (ZAF) (See Uttar Pradesh Zamindari Abolition and Land Reforms Act, p.2-3). In addition a minor tenure in the form of *asami*, was created which were mostly the former non-occupancy tenants having no stable rights. (UPZALR, p.2).

The Zamindari Abolition Fund (ZAF) was created at the initiative of Charan Singh, supported by G. B. Pant, to organize fund to compensate the ex-intermediaries - some 390 of them. Provisions like no confiscation and no redistribution of land , on the other hands, was meant to satisfy the relatively better off peasants (owning more than 10 acres of land) and thus create political support base of the Congress. Sir Jagdish Prasad, the landlord leader, was not beside the point when he was quoted in the Pioneer (22 January, 1950) saying that the bhumidari system was a way to get political support for the Congress in the ensuing election. Writing in the *National Herald* in the pen-name 'Sekhar', Prof. V.B. Singh was more explicit:

Politically it (the abolition scheme) is a device to extend and stabilize the social base of the present government for getting votes in the next election. Economically it will create a new class of rural bourgeoisie who will exploit the peasant and other section of the rural population in a much more intense form. (National Herald, 8 June 1948)

### III : Land relations in the post-independence period

The following information in the Table -1 in the next page summaries the situation in land relation before and after the land reform, in UP succinctly. After about three decades of land reform the land ownership in UP has become more concentrated. In 1976-7 a mere 15 per cent of the households control more than 64 percent of the land as compared to about 19 percent controlling more than 60 of the total holding in the pre-land reform period . In the mean time , however , the average size of the holding fell from 3.5 acres to 2.88 in response to sub-division of holding as well sale and purchase of land.

Table 1

Pattern of Land Ownership Prior to and after Zamindari Abolition in Percentage

Ownership holding (Size class: acre)	Prior to Abolition of Zamindar		1953-54 (NSS)		1961-2(NSS)	
	Households	Area Owned	House House	Area Owned	Household	Area Owned
Below 1.0 acres	37.8	6.0	38.69	2.37	44.21	1.59
Below 5.0 acres	81.2	39.1	78.43	31.83	75.22	19.99
5 - 10.0 acres	12.7	26.1	14.25	29.08	12.86	20.54
Above 10 acres	6.1	34.8	7.32	39.09	11.92	59.47
Average size of Holding (acres)	3.5		3.4		4.39	
	1971-72 (NSS)		1976-77(NSS)			
	Household	Area Owned	Household	Area Owned		
	50.2	4.09	50.98	5.33		
	86.22	42.37	84.15	35.55		
	9.45	27.82	9.60	24.47		
	4.33	29.81	6.25	39.98		
	2.35		2.88			

Sources: Zoya Hasan , "Power and Moblsation : pattern of resilience and change in Uttar Pradesh politics" in F.R. Frankel and M.S.A.Rao (eds), "Dominance and State Power in Modern India" , p.161. The table is quoted from Peter Reeves "Landlords and Government In Uttar Pradesh - A Study of their relations until zamindari abolition" ,p.322; Oxford University Press,Delhi 1991

The analysis of the NSS gives a clearer picture of the land distribution pattern of he UP in the post - reform period. There are many studies of this aspect of the land question in the Independence period. We have , however, mainly dependent on the works of Dantwala, M.L. and Shah, C.H. "Pre-reform and Post-Reform Agrarian Structure" *Indian Journal of Agricultural Economics* Vol XXVI, No3,1973; Khsuro,A.M., Economic and Social Effects of Jagirdari Abolition and Land Reform in Hydrabad , Osmania University Press Hydeabad,1958; Bandapadhyay " Land Reform in India : an Analysis, Economic and Political Weekly' Vol XXI, Nos. 25 and 26,1986 and Sharma, H.R. Distribution of Landholdings in Rural India, 1953-54 to 1981-82 in *Economic and Political Weekly*, September 24,1994.

In the initial five decades after the land reform there was some decline in the large holding and area owned by them for a number of reasons. In 1950 there was some increase due to large-scale and indiscriminating eviction of tenants by the landlords in the pretext of self-cultivation under 'sir' and 'khudkast'. The 60s 'however' saw some fall in their area owned owing to large scale disposing of their land to their former tenants and 'benami' transfer of land to avoid ceiling laws that came into force during the period which was followed by big landowners holding on to their land due to ineffective implementation of the ceiling laws. (See Sharma, H.R. *ibid* on this)

So far as the landholders at the bottom of the landownership hierarchy is concerned i.e. those with 0.01 – 0.99 size holding is concerned their numerical strength increased rapidly, but the size of their holding did not increase very significantly. This has important implication for land reform agenda.

The greatest benefit of the land reform has accrued to the marginal (1 – 2.49 acres), small (2.5 – 4.90) and medium holdings ( 5. -14.99 acres) in comparison to the other categories of holdings. In UP the number of medium landholders had fallen significantly during the period, while their land ownership had fallen only marginally, thus making this class of landholder better off compared to others. (See Sharma, H.R.p A- 122).

The NSS data on the ownership pattern, however, gives the *de jure* position . It ignores the effect of the institution of tenancy which is almost universal in the UP rural areas (though the conditions of the tenancy has gone radical transformation). On this issue of the operational holding the following points can be noted.

First, in spite of the definitional change in the concepts of the household between the 8<sup>th</sup> round and the 17<sup>th</sup> round, it can be pointed out that the number of households owning no land increased especially after 1961-61. Analysis by the scholars have also shown that the numerical preponderance of the sub-marginal (0.01 – 0.99 acre) holdings at the bottom of the farm size ladder have increased continuously especially after 1961. The proportions of their farm size area, on the other hand, remained lower in UP, creating an adverse land: man ratio. This has forced this section of the peasantry to seek non- agricultural occupation and seek migration. This also has important implications for the radical land reforms itself. The historical experience has shown that in order to be successful the state should intervene to create institutions that would provide adequate access to these classes of framers – who usually constitute the largest segment of the rural population - cheap and easy access to inputs, water etc. as well as proper marketing facilities. But in this era of liberalization, with the state increasingly withdrawing from its economic responsibility such a possibility becoming remoter .

Second, both the number of large households and area operated by them declined in UP since 1953-54. In fact since 1953-54 increasingly very few of these households owned disproportionately large amount of area owned. In the early 1980s 1.70 per cent household owns 15.12 per cent of the area in UP.

Third, the real gain of change in operational holding went to the small, marginal and medium. These categories of farmers gained considerably. The medium households gained most among them. In this category, the decrease in the proportions of households is considerable in comparison to that in area. In UP the decline in the proportions of household was from 19.49 to 13.42 between 1953-54 and 1982, while the decline in the proportion in their operated area is from 43.41 to 42.36, thus making the middle farmers comparatively better off in terms of land: man ratio.

Table - 2  
Trends in the Distribution of Ownership and Operational Holdings in UP

I : Trends in Ownership Holding		Year	1953-54	1961-62	1971-72	1982
Item						
1. Households						
Owning No Land			9.36	2.77	4.55	4.85
2. Sub-Marginal Holdings (0.01-0.99 acre)	H	30.32	33.90	30.83	38.71	
	A	4.29	4.11	6.83	4.42	
3. Marginal Holdings (1.00 - 2.49 acre)	H	20.34	20.78	22.20	24.40	
	A	10.13	9.88	13.57	15.73	
4. Small Holdings (2.50 - 5.00 acre)	H	18.40	21.39	18.60	17.38	
	A	19.39	22.21	24.66	24.38	
5. Medium Holdings (5.0 - 14.99 acre)	H	18.12	17.82	13.79	12.92	
	A	42.97	41.87	41.08	40.92	
6. Large Holdings (15.0 & above)	H	3.46	3.34	2.03	1.74	
	A	25.13	23.59	16.78	15.35	
7. All Households	H	100.00	100.00	100.00	100.00	
	A	100.00	100.00	100.00	100.00	
II. Trends in Operational Holdings						
1. Household						
Operating No Land			5.14	20.76	24.26	20.00
2. Sub-Marginal Household	H	30.41	14.64	15.22	25.77	
	A	2.17	2.51	2.85	4.06	
3. Small Household	H	20.40	21.59	20.48	17.69	
	A	20.46	25.42	25.43	24.53	
4. Medium Household	H	19.49	19.21	15.75	13.42	
	A	43.41	34.98	42.76	42.36	
5. Large Household	H	3.53	3.32	2.12	1.70	
	A	24.03	25.98	16.14	15.12	
6. All Households	H	100.00	100.00	100.00	100.00	
	A	100.00	100.00	100.00	100.00	

Source : Adapted from Sharma, H.R. *Economic and Political Weekly* 24, 1994

#### IV : Ceiling Act

Land reform in UP, to reiterate, abolished absentee landlordism (on compensation) to established peasant proprietorship. One corollary of this program was naturally not to allow concentration of land in a few hands. With this objective in view the U.P. Imposition of Ceiling on Land Holding Act was enacted for ensuring increased agricultural production and providing land to the landless agricultural laborers and for public purposes.

The original act was imposed a ceiling of 40 acres of fair quality land (80 acre of inferior land) for a family of five. The ceiling did not apply to *Khalian* and residential area. This original act was not effective and did not succeed to release much land. So it was drastically amended in 1973 which reduced the effective ceiling limit to 7.30 hectares (18.04) or its equivalent unirrigated of land for a family of five.

The status of the U.P. land ceiling act up to March is given in the Table 3 . Up to March 3, 68,351 acres of land was identified as surplus. About 92 per cent of those declared surplus i.e. 3, 38,349 was taken possession of by the state government. About 8 percent of those declared surplus could not be taken possession of due to issuance of stay order by various courts – almost 95 per cent of these 8 per cent – and the rest could not be taken possession as they were under consolidation process and also due to various other government procedural reasons. Out of those 3, 68, 349 of land taken possession of by the government another 6.78 per cent i.e. 21,493 acres of land could not be settled: more than 82 per cent of these lands could not settled due to various types legal wrangling (See Table 3 for this) and for other procedural delays. Legal wrangling and procedural reasons was two most important reasons that undermine the effectiveness of the ceiling act in UP like many of its predecessors. One civil servants, now posted in the Board of Revenue, told me in an interview that due to slackness on the part of Revenue Administration it took almost three years to collect details and file return to the landowners in the initial stage of the Act. He further said that the average time taken by the prescribed authority in all the cases is about 1 to 1 and 1/2 years from the date of institution of the ceiling cases. At the stage of Appellate Authority the average time taken for the disposal of cases is about 1.5 to 2 years. Reasons for these are normal procedural requirements : courts allowing landowners to give their opinion about surplus land , at the end of enquiry landowners pleading falsely that the land is to be used for government schemes, spot inspection being demanded by the party, filling of irrelevant sale deeds. The delay in disposal of ceiling cases is highest at the High Court stage. About 2/3 of the pending cases in each districts are pending for more than 3 years at minimum, side and in certain cases it takes 16 to 17 years.

Table - 3

Status of U.P. Land Ceiling Act: March 2008

			Area in Acre
1. Land declared surplus			3,68,351(100.0)
2. Land taken in possession by the state	Government		3,38,349(91.86)
3. Reasons for failure in taking possession			
a. Land under stay order in different court		28,377 (94.58)	
b. Land under consolidation process		377 ( 1.25 )	
c. Land under consideration		1,248 ( 4.17 )	30,002 ( 8.14 )
4. Reason for not settling surplus land:			(100.0)
a. Land under stay order in different court		15,111(70.31)	
b. joint enquiry		2,693(12.52)	
c. Land proposed to be given to Gaon Sabha		1,142 (5.3)	
d. Land proposed to be given to other department		844(3.93)	
e. Land under consolidation		112(0.52)	
f. Land under illegal possession		466 (2.17)	
g. Land included in consolidation by mistake		986 (4.59)	
h. Land not distributed for other reasons		139 (0.66)	
	i. Total		21,493(100.0)
5. Land available for settlement			3,16,856
6. Settlement of land			
Under possession	Number	area in acre	acre per head
a. Land distribute to SC	2,07,430	1,84,642	0.89
	(68.24)	( 58.27 )	
b. Land distributed			
To ST	487	974	2.00
	(00.16)	(0.31)	
c. Land distributed to			
Others	96,067	77,337	.80
	(31.60)	(17.01)	
d. Land under			
Gaon Sabha and other department		53,903	
		(17.01)	
7. Total land settled			3,16,856 (100)

Source : Board of Revenue, UP

A study of 26 districts of UP in last decade identified eight distinct methods used by the landholders of different classes - but mostly the bigger ones - to circumvent various provisions of the ceiling act :

1. Lands were sold off to near relations;
2. False construction of residential houses ;
3. Filing false partition deeds;
4. Formal decrees of divorce ;
5. Manipulation of birth certificate;
6. Creation of religious deeds
7. Prolongation of litigation (especially by big landlords) ;

8. Through wrong classification of land.

Even after the land was declared surplus the landlords used a number of ruses to get back the land:

1. Part of the land was shown under orchards;
2. Number of family was inflated;
3. Partition suits under section 176 of ZALR were initiated indicating that the land has been divided long back
4. Land lord did not initially, intentionally indicated plots to be declared surplus and subsequently filed objection against the decision of the prescribed authority
5. Good quality land was shown as waste and/or barren land;
6. Minor declared as major
7. Land shown as falling under flood prone area;
8. The plea taken that sons have already inherited father's land and the original case to be filed again separately, which delays the proceedings
9. That the details of land prepared by the tehsil staff ignored certain facts which are basic to the case (See in this connection Iyer, K.G, *Land Ceiling in Uttar Pradesh*, paper presented at the seminar on Land Reform at the GIDS in 1992; and also see *Implementation of Land Ceiling Programme in Uttar Pradesh* Mussoorie Land Reform Unit, Lal Bahadur Shastri National academy of Administration,1992 : The study was carried out by IAS probationers in 26 out of 62 districts , covering 40 per cent of the district between 1988 and 1992. The average area owned by surplus ceiling owners is 63. 27 acres. The average area declared surplus finally is 31.63 acres and the average area taken over finally by the government is 16.37 acres. See also in this connection Hasan, Zoya, *Quest for Power*, p. 115.)

Out of 3, 16,856 acres of land distributed by the UP government the SC got 2, 07,430 which works out to be 0.89 acre per head. 487 ST got 974 acres which makes it 3.0 acres per ST beneficiaries. 96,067 other caste beneficiaries got 77,337 acres i.e. 0.9 acres per head.( See table 3, columns 6a, 6b, 6c, above)

This macro level statistical information does not give the effort made by locally dominated land owning communities in collusion with the local government officials to deprive the beneficiaries of their due land. The following table gives a snapshot of such machination of the landowners in 9 districts of UP e.g. Ambedkar Nagar, Vadauna (Banda) Bacharach, Balia, Chitrakut, Jaunpu, Shanghanpur, Saharanpur, Sonebhadra etc

Table - 4  
On Dalits and land given to them

Sl. No.	Item	No of Dalits affected
A.	Got patta, not the possession	279
B.	Asami Patta cancelled	39
C.	Possession without patta	7
D.	Got patta, possession which later taken away	14
E	Invalid patta	5
F	Land reoccupied by declaring owner dead	3
G.	Double Entry (in forest and revenue dept)	31
H.	False Will	10

Source: *From Dalits of UP to the Citizen of India*; A Report of the Public Hearing held in Lucknow on October 5 and 6 2001;

Note: 'Double entry': entry in the record book of both revenue dept and forest dept. This type is usually found in Sonebhadra district of UP. Often the tribal there have been uprooted by the Forest Dept who claim that in question belongs to them. To the tribal of Sonebhadra the Forest Officials are the most dreaded landlords.

Victims are mostly dalits and tribals and the perpetrators are mostly landlords, government officials and the police. Their linkages are caste and class, both. The mass of these poor farmers and the agricultural laborers need protection as the Raju, the delighted dalit laborer of Jalgaon district got from his district magistrate. Like Raju, these laborers also need help in developing skill in modern agriculture with emphasis on diversification, in supply of cheap seeds (which is increasingly being controlled by multinationals in UP), proper marketing facilities (now increasingly coming under the control of the big business) and other necessary institutional help. (See on this Bhalla, G.S. *Indian Agriculture Since Independence*, National Book Trust, India, 2006, for a comprehensive review of evolution of the Indian Agricultural Policy from its accent on the structural changes with land reform as basic condition for investment in agricultural development to its almost exclusive emphasis on technological innovation for agricultural growth)

### Conclusion

First, the radical ness of the land reform in UP lies in the abolition of the absentee landlord and its replacement by the absentee rich peasants. From landlords to peasant proprietorship was the basis of this transformation.

Second, the political class that was in the saddle at the time of independence was against the landlords, not against the landlordism. Their leaders like G. B. Pant, 'inflexible' and Charan Singh, the chief architect of the Act and the 'radical peasant leader' protected their class interest by arranging liberal compensation fund for the landlords.

Third, the landlords were allowed to keep huge areas under their control as *sir and khudkhat* and cultivate them by employing hired labor. The time gap between the passing of the resolution for land reform and its actual initiation was long enough for the landlords to dispossess the tenants and 'hide' their in diverse ingenious ways.

Finally, considering the nature of dispossession of the landlord, compensation given to them and the time taken, the land reform in UP was an effort at reorganization of the land relations in favor of the rich peasants and Zamindars transformed into capitalist farming.



11

## Improving Land Access for India's Rural Poor

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### Land Reforms in Uttar Pradesh : Retrospect and Prospects

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## Improving Land Access for India's Rural Poor

TIM HANSTAD, T HAQUE, ROBIN NIELSEN

India's states have employed several land reform measures, including reforming tenancy, imposing land ceilings, distributing government wasteland, and allocating house sites and homestead plots. With relatively modest revisions, some of the existing laws and policies can further their original intent of increasing the poor's access to rural land and providing for secure land tenure. But old land reform approaches, such as blind adherence to land ceilings and tenancy reform, need reconsideration.

India has the largest number of rural poor as well as landless households in the world. Even though landlessness is the best indicator of rural poverty in the country, redistributive land reform lost its favour with the central policymakers till recently. The *Draft Eleventh Five-Year Plan* however has revived the issue of land reform for agricultural efficiency and equity, along with some innovative approaches that would work better for the rural poor. This article analyses the evolution of land reform policy in India in the new context.

### 1 Introduction

As mentioned, India contains both the largest number of rural poor and the largest number of landless households on the planet. The two statistics are intrinsically related: landlessness – more than either caste or illiteracy – is the best indicator of rural poverty in India.<sup>1</sup>

Indian leaders are well aware of the connection between rural poverty and landlessness. Since independence, the country has taken substantial policy and legislative steps to address the problem, and has produced an unrivaled volume of land legislation in the process. India's experience is a reminder, however, that adopting well-intended laws does not, by itself, guarantee good results.<sup>2</sup> From the perspective of most rural poor, India's land reform laws have not had the desired effect, and some legislation has resulted in perverse and unintended consequences. Sixty years after independence, India's poorest households still struggle for access to rural land and land tenure security.

The story of land reform in India need not end here, however. With relatively modest revisions, some of India's existing policies and laws can further their original intent of increasing the poor's access to rural land and providing for secure land tenure. Other areas require more drastic measures. Old land reform approaches, such as blind adherence to land ceilings and tenancy reform, need reconsideration. The time has arrived for policymakers to take inventory of India's land reform experience, distill lessons learned, and use land laws, policies, and programmes more innovatively and with the focused objective of broadening land access and strengthening land rights for the poorest and least empowered. The "land route" is not the only route out of poverty, but in a country where landlessness is the best predictor of poverty, it is a route that cannot be ignored.

Land reform legislation is within the states' jurisdiction. Since independence, India's states have employed several land reform "tools", including reforming tenancy, imposing land ceilings, distributing government wasteland, and allocating house sites and homestead plots. This article briefly summarises some past efforts in these areas and attempts to distill broad lessons for informing possible policy paths ahead. Our intent is not to be directive but rather to identify issues for consideration and to

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promote discussion and debate – with the hope that the process will ultimately lead to concrete action benefiting India's rural poor.

## 2 Tenancy Reform

In the period after independence – due in no small part to British colonial interference with the traditional land tenure systems – tenancy was ubiquitous and circumstances had converged to create a perfect storm that favoured powerful landlords at the expense of their tenants. Most tenancies were oral and terminable at will. Laws provided no (or virtually no) protection or even legal recognition of the most vulnerable tenants, including sharecroppers and tenants-at-will on ex-intermediaries' home farms. The exploitative relationships were ripe for legislative intervention.

In the 1960s and 1970s, every Indian state passed tenancy reform legislation aimed at giving tenants greater tenure security and, in many cases, severely restricting prospective tenancies. However, the results of tenancy reform laws were, with some exceptions, weak or even counterproductive. While the laws allowed tenants to acquire ownership or owner-like rights to about 4 per cent of India's agricultural land, the same laws led to the ejection of much larger numbers of tenants.<sup>3</sup>

Productive analysis of the tenancy laws begins with recognition of a distinction between the laws' affect on tenancies existing at the time the law was adopted and their affect on tenancies that might be created in the future. The initial inquiry is: what provisions addressed existing tenancy relationships and what was the impact of those provisions on those relationships? A separate inquiry should follow: what provisions are aimed at future tenancy relationships and what is the current impact of those provisions? As the discussion following notes, to the extent that India's tenancy reforms benefited existing tenants, those benefits were realised in the years immediately following implementation of the reforms; no further benefits are anticipated.<sup>4</sup> What remains effective in the reforms are the continuing restrictions on future tenancies – legislative provisions that are now limiting the livelihood options for the rural poor and landowners alike.

### 2.1 Effect on Existing Tenancies

Prior to any existing tenant receiving the benefits of tenancy reform, an enormous loophole in the reforming laws erased the rights of a significant percentage of existing tenants. In almost every state, tenancy laws granted landowners generous rights of resumption for "personal cultivation". Landowners took full advantage: using the legal and largely unfettered rights of resumption, landowners took control of tenanted land, leaving a population of evicted tenants in their wake.

Most states rewarded tenants who remained on non-resumable, tenanted land with ownership rights.<sup>5</sup> The laws varied in approach. Some states deemed eligible tenants to be owners, their ownership becoming final on payment of the price established by the government (which is typically paid to the government rather than directly to the landowner). Other states assumed ownership of eligible tenanted land by paying

compensation to the landlord and subsequently transferring rights to tenants based on their application and payment, which may not equal the amount paid to the landowner.

However, even on non-resumable land, "voluntary" surrenders of tenancy rights by tenants frustrated the objectives of tenancy reform. Many landlords repossessed their non-resumable land by persuading their tenants to relinquish their tenancy rights "voluntarily". Once such coercive tactics became widely recognised, the national Planning Commission recommended that states amend their legislation with specific procedural protections against landlord coercion. Most states amended their laws, but by that time the damage had been done.

### 2.2 Effect on Future Tenancies

Whether states would permit the creation of future tenancies was perhaps the most controversial aspect of tenancy laws. Heated debates resulted in legislative provisions that fall into four broad categories.<sup>6</sup>

**Complete prohibition:** The laws of Kerala and Jammu and Kashmir place a virtual or absolute prohibition on the creation of agricultural tenancies.

**General prohibition/limited leasing:** The laws of Andhra Pradesh (Telangana area), Karnataka, Madhya Pradesh, West Bengal, Bihar, Himachal Pradesh, Uttar Pradesh and Orissa are characterised by a general prohibition on future tenancies, with exceptions for certain defined categories of landowners and/or under certain conditions.

**Permissible leasing with ownership potential:** Assam, Gujarat, Haryana, Maharashtra and Punjab permit leasing, but with a stipulation that the tenant acquires a right of ownership or a right to purchase ownership after a period of one to six years.

**No prohibitions on leasing:** The Andhra area of Andhra Pradesh, Rajasthan and Tamil Nadu place virtually no prohibitions on leasing. Even in these states, however, provisions on maximum rent, minimum length of term, and tenants' rights to purchase land disincentivise tenancy arrangements or push tenancies "underground".

### 2.3 Extent and Impact of Tenancy Reform

The state tenancy reform laws contain prominent defects and sizeable loopholes that have limited their potential reach. Half-conceived, often lackluster implementation efforts led to even wider gaps between the declared objectives of the tenancy reform policy and law and their actual achievements in the field.

According to government of India statistics, by the end of 2002, 12.4 million tenants on 15.6 million acres of land had benefited either by having ownership rights conferred upon them or by otherwise having their rights protected.<sup>7</sup> This comprises approximately 8 per cent of all rural households and about 4 per cent of India's cultivated land. While the benefits received by these tenants cannot be discounted, a considered evaluation of the impact of tenancy reforms must also include those negatively impacted. Those negatively impacted by tenancy restrictions can be divided into two broad categories:

**Eviction:** Throughout India, tenancy reform was the impetus for the large-scale ejection of tenants. Based on an extensive study of historical data and reports, P S Appu estimates tenant families were ejected from as much as 33 per cent of India's agricultural land as a result of tenancy reform legislation.<sup>8</sup>

**Passive dispossession:** In addition to causing active dispossession of tenants through evictions, the existing tenancy laws led to some



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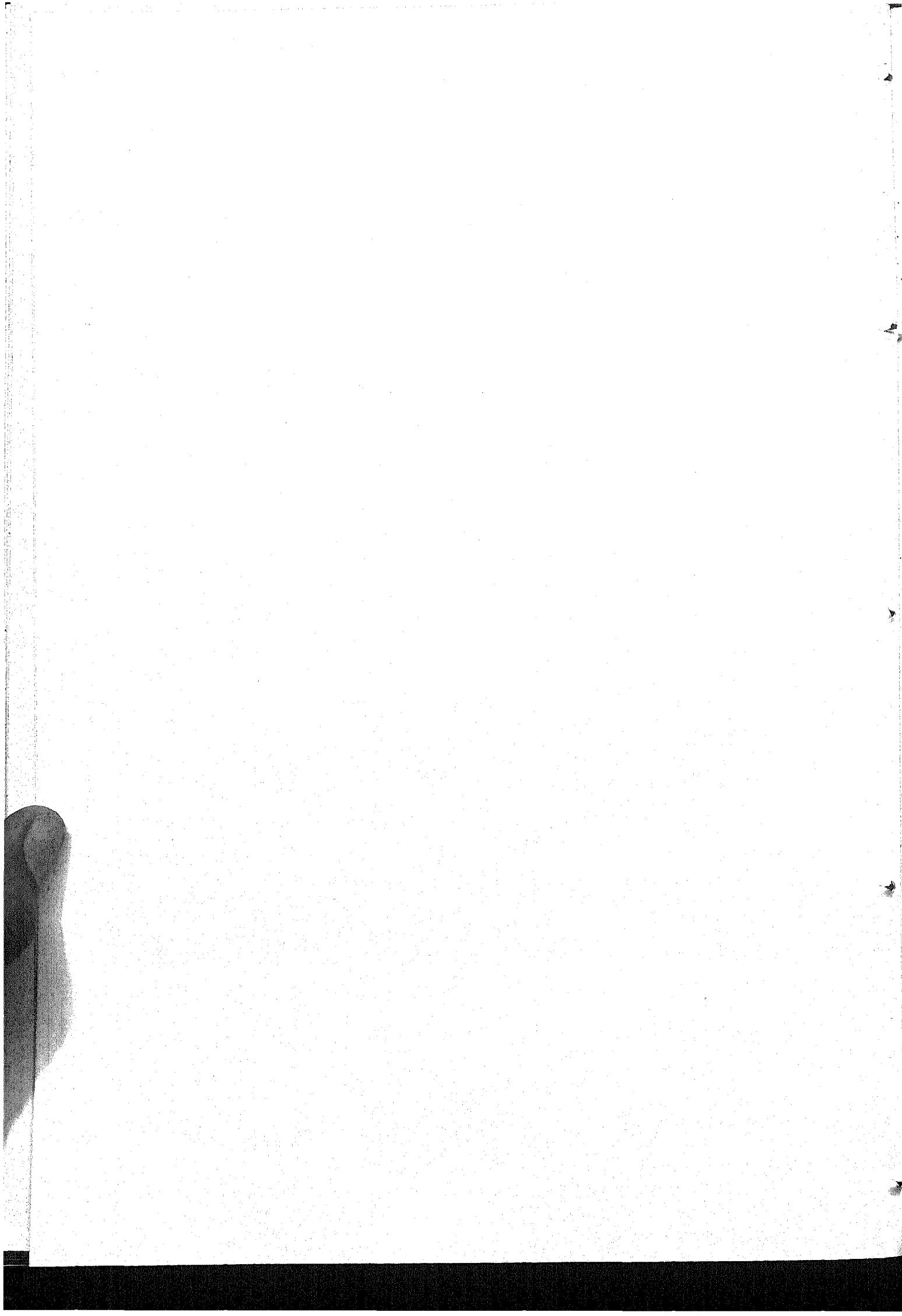
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Passive dispossession: In addition to causing active dispossession of tenants through evictions, the existing tenancy laws led to some



degree of passive dispossession by preventing more poor farmers from accessing land through tenancy. Most rural households perceive that landowners risk losing some (often substantial) rights to their land when they rent it out.<sup>9</sup> Three common consequences result: (1) some landlords choose to leave their land fallow or to use it sub-optimally, rather than to lease out the land for fear of losing rights and control to tenants; (2) landowners who rent-out land may only rent to people trusted not to assert rights and, for an extra measure of protection, the landowner typically rotates tenants, often every year; and (3) land-poor households (especially those with surplus labour) commonly report that they wish more land was available for rental. They do not fear exploitative landlord practices as much as they fear not being able to access land to meet their needs and improve their livelihoods.

#### 2.4 Tenancy Reform Recommendations

India has moved beyond a time when it needs to cast tenancy in the role of an exploitative institution and charge tenancy with negatively impacting socially optimal equity and productivity outcomes. India is well positioned to recognise and take advantage of the consensus emerging in the economic literature concluding that land rental markets can play a significant positive role in increasing land access for the poor by supplying the following opportunities:

Rental markets can create a critical rung on the "agricultural ladder" toward landownership, particularly as growing economic opportunity (especially non-agricultural) and socio-political advancements begin to remove feudal-like vestiges and improve the bargaining position of poor tenants.<sup>10</sup>

Land tenancy markets can reduce the vulnerability of poor households by offering a more stable livelihood source than frequently volatile and imperfect labor markets.<sup>11</sup> As opportunities in the non-farm economy increase, tenancy markets can facilitate a broader choice of livelihood opportunities such as migration, specialisation, and investment. Households better suited to pursue non-farm livelihoods will be benefited if they are able to rent out their land for others to cultivate. Looking to other countries, China's experience indicates that in a growing economy, the role of land tenancy will expand and increase incomes for all.<sup>12</sup> Other research teaches that rental markets have more potential for providing access to the poor in settings where agriculture is not capital intensive.<sup>13</sup> Rental markets are likely to provide the smaller, poorer farmers with more opportunities to access land. As a consequence of tenancy restrictions and protections, landowners who rent-out must select tenants they trust not to reveal the relationship or assert their rights. Thus, it is generally considered that, all things being equal, larger farmers (who qualify for tenancy protections or because they belong to the same socio-economic class as the landowner) present lesser risks as tenants. Liberalising the tenancy markets could provide proportionally greater land access to the poor.

#### 2.5 Support from the Field

We are quite sympathetic with the pro-poor agenda objectives of those who promote continued or even stronger tenancy regulation/restriction. However, we have seen increasing evidence in recent studies and in our own field research that much of the current tenancy legislation in India operates to restrict livelihood opportunities for the poor. A study of 5,000 rural households over a 17-year period finds that tenancy restrictions limit the supply and demand for agricultural land and prevent access to land by the landless and most efficient producers.<sup>14</sup> These findings are supported by results of a smaller survey of 400 rural households. This survey, conducted by the Rural Development

Institute, Seattle, and the University of Agricultural Sciences, Bangalore in Karnataka in 2001, documented the following attitudes toward tenancy restrictions:

Ninety-four per cent of respondents answering definitively stated that existing tenancy restrictions harm the landless;

Ninety-one per cent of respondents answering definitively stated that the existing tenancy restrictions harm landowners; and

Thirty-eight per cent of respondents answering definitively reported that at least one farmer in their village keeps land fallow rather than renting it out because renting may lead to the loss of such land.

The potential for positive impact from relaxation of the restrictions on tenancy is equally strong. The data collected in the 5,000 household survey regarding the operation and impact of mostly informal land rental markets found significant potential in the land rental market:

Thirty-seven per cent of households who rent-in land (usually contrary to tenancy restrictions) are landless;

Access to land through rental improved the well-being of poor households;

Households that rent-out land are more likely to pursue non-farm opportunities;

Land rental increases productive land use because the land market allows land to transfer from less efficient to more efficient producers;

Access to land through a rental market increases opportunities for women to be self-employed and realise greater gains from their labour; and

The land rental market transfers land to those households with higher endowments of family labour, improving the scope for gainful employment of labour in rural areas.

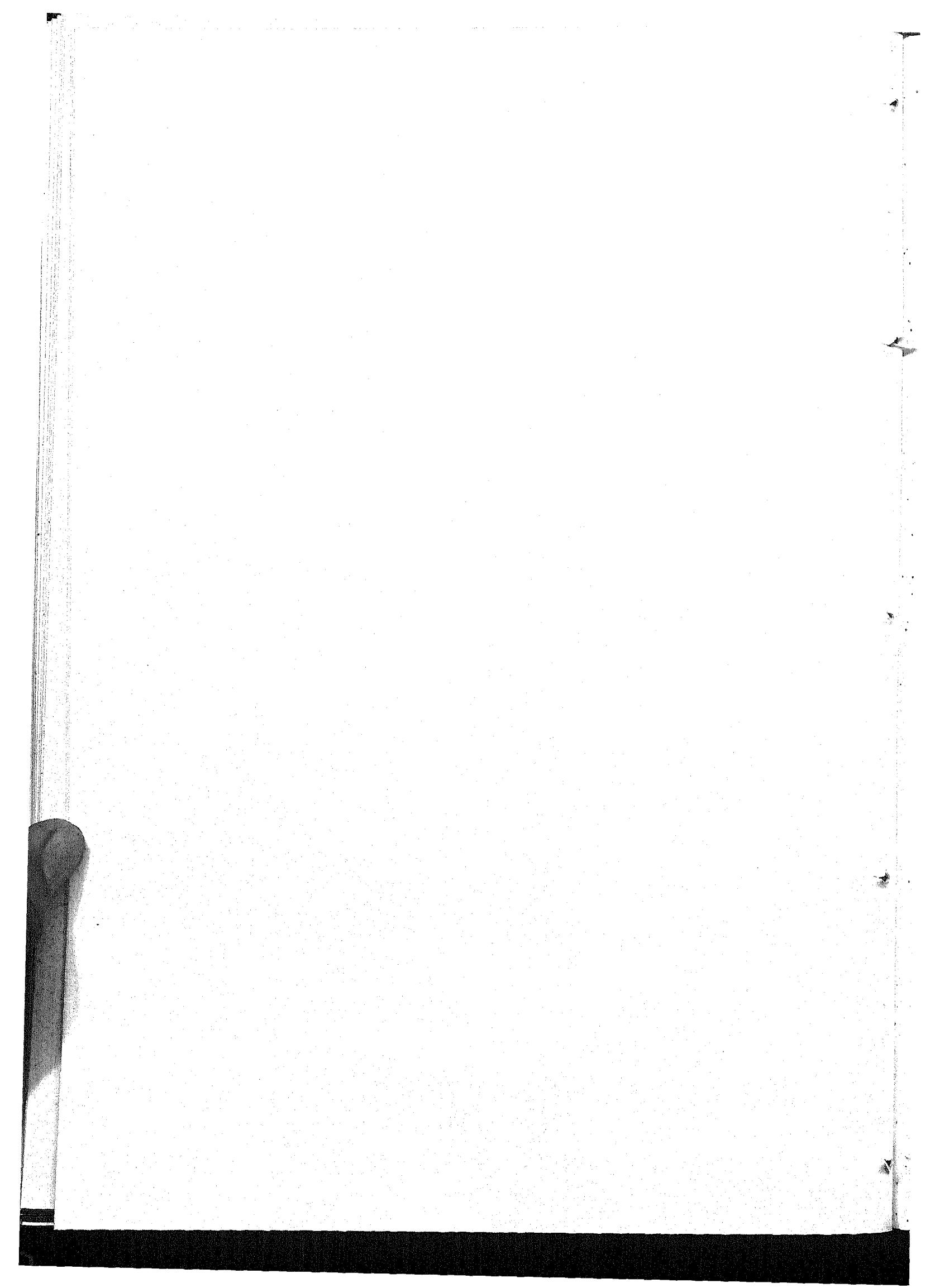
In sum, the study found that the rental market is not biased against the poor, and removing the restrictions on tenancy will increase land access for the landless, women, and the more efficient producers.<sup>15</sup>

#### 2.6 Understanding the Controversy

Despite this empirical support and the acknowledgement in the existing Five-Year Plan of the substantial failures and unintended negative consequences of many existing tenancy reform laws, amending these laws is controversial. In the present policy dialogue on this topic, there is an overpowering tendency to view the tenancy debate within the twin context of the need to attract investment into agriculture and to facilitate a smooth process of land transaction during economic transformation without relying upon land sale markets. Particularly in government circles,<sup>16</sup> a view that enhanced investment will cure agricultural backwardness dominates.

Those promoting liberalisation of tenancy restrictions often connect the desired liberalisation to increased investment by (and benefits accruing to) large farmers or agri-business concerns, a connection that generates understandable resistance from those representing the interests of marginal/small farmers and agricultural labourers. Many policymakers lack a balanced understanding of the trade-offs and make ill-informed assumptions that the existing legislation protects the poor. They are unfamiliar with the potential that removing or revising tenancy restrictions has to benefit the poor, and they lack a pressing reason to alter their settled thinking on the subject.

But a pressing reason to confront the issue does exist: the need to provide the rural poor with access to land. Indian states should



consider amending tenancy legislation to better meet (and, in some cases balance) the objectives of equity and efficiency. The basic aim should be twofold. First, consolidate the benefits of past tenancy reform by converting "protected", "registered", or "occupancy" tenants into owners. Second, liberalise ongoing tenancy prohibitions and excessive tenant "protections".

### 2.7 Guidelines for Legislative and Policy Change

The specific content of amendments to tenancy laws will differ from state to state and should be informed by the results of rigorous field research. In general, however, we recommend the following guidelines for policy and legislative changes:

In settings where past tenancy reform beneficiaries are not full owners, states should consider converting them into owners. The necessary legislative changes will differ from state to state. In West Bengal, for example (the state with the largest number of tenancy reform beneficiaries, the 'bargadars'), the law could be improved by giving bargadars a unilateral right to become owners by "buying out" the landowner for a government-determined sum, by providing for a streamlined voluntary transaction process, and/or by activating the financing mechanism for bargadar purchases of barga land that is already contemplated by state's land reform laws.<sup>17</sup>

In settings where tenancy is now prohibited, states should consider amending the legislation to provide legal recognition of tenancy while incorporating enforceable provisions that balance the interests of the tenants and landowners. The drafting of these provisions balancing the interests of tenants and landowners should, as always, be informed by rigorous field research. Provisions might include stipulations that:

- Tenancy agreements be in writing, using a mandatory, standardised form that forces the parties to state important terms;
- Guarantee the tenant exclusive possession of the tenanted land for the duration of their agreement, but without maximum rent payments or minimum length of terms that deviate significantly from those prevailing in practice (otherwise they become unenforceable);
- Prohibit new tenants from receiving any long-term or hereditary rights to land beyond those contained in the written agreement between tenant and landlord; and
- In settings where there are fears that liberalising leasing will result in excessive land concentration and further limit opportunities for the land-poor, states might consider: (i) revising land ceilings to include owned and rented-in land; or (at least initially) (ii) limiting lessees to those owning less than a prescribed amount of land.<sup>18</sup>

In settings where tenancy is allowed, but subject to maximum rent levels and/or a minimum lease term, states should consider amending the legislation to remove the maximum rents and minimum length terms. If that is not politically feasible, the states should revise the maximum rent levels and/or minimum lease terms to reflect more accurately what is reasonable and enforceable. The central government's recommended policy for limiting rents to 20 to 25 per cent of the produce (and "slightly more" if the inputs are provided by the owner) is well below prevailing market rents throughout India and therefore difficult or impossible to enforce. One reason that West Bengal succeeded in implementing tenancy reform is because its legislation provided that the landlord shall receive 50 per cent of the produce (when the landlord provided inputs). The reasonableness of the percentage

assigned to landlords made implementation feasible, while still improving the position of the tenants (bargadars).

### 3 Ceilings on Agricultural Landholding

Agricultural land ceiling laws are one of the best known of India's land reform efforts. However, with some exceptions in a few states, the effect of the laws has not met expectations. Examination of the reasons why results have succeeded in some areas and fallen short in others is an important initial step toward creating a plan for using laws, policies, and programmes to broaden land access in the future.

All Indian states adopted legislation that places ceilings on the amount of agricultural land a person or family can own, with the objective of redistributing land in excess of the ceiling to poor, landless, or marginal farmers. The ceiling laws were enacted and enforced in two phases: (1) the period from 1960 to 1972, when no specific policy guidelines were present; and (2) the period since 1972, after the adoption of national policy guidelines. As of 2002, states have redistributed approximately 5.4 million acres of land to 5.6 million beneficiary households.<sup>19</sup> (West Bengal accounts for 20 per cent of that redistributed land and 47 per cent of the ceiling-surplus beneficiaries.)

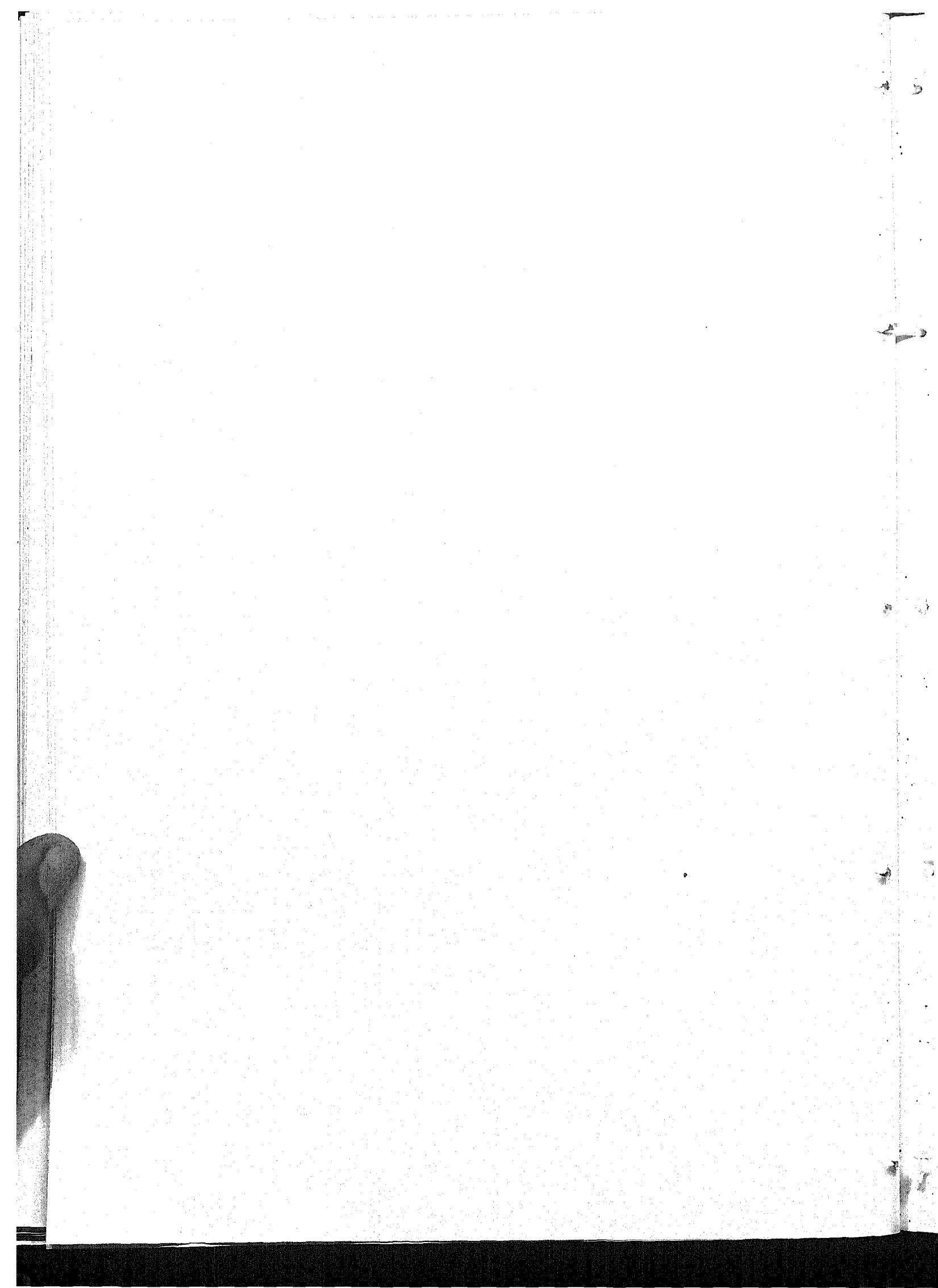
While the laws on land ceiling follow a common pattern, variations exist on several key aspects including: the ceiling area, compensation for above-ceiling land expropriated, and defining and prioritising beneficiaries. This article does not detail those variations,<sup>20</sup> but focuses instead on the impact of the laws.

#### 3.1 Impact of Land Ceiling Laws

By the end of 2002, state governments had declared 7.4 million acres of land as exceeding the ceiling. Of that land, the state governments had taken possession of 6.5 million acres and had distributed 5.4 million to a total of 5.6 million households. The total amount of ceiling-surplus land distributed to individual beneficiaries amounts to approximately 1.4 per cent of India's agricultural land.<sup>21</sup>

The only states where more than 5 per cent of the operated area has been redistributed are West Bengal, Jammu and Kashmir and Assam. In these states, some evidence suggests the ceiling laws have had a significant impact. For example, in West Bengal, 34 per cent of all agricultural households have received ceiling-surplus land and numerous studies document the importance of the ceiling-surplus distribution in improving the livelihoods of beneficiaries and in promoting agricultural growth and stability in the countryside.<sup>22</sup>

However, the benefits realised by beneficiaries in West Bengal, Jammu and Kashmir, and Assam did not extend to the rest of India. Excluding the achievements of these three states, P S Appa concludes that "the imposition of ceilings has not led to any worthwhile redistribution of agricultural land in the rest of the country".<sup>23</sup> Defects in the law are a partial cause for the failure of most such laws to achieve their objectives,<sup>24</sup> but the more relevant factor is the absence of political will at both the central and, apart from a few exceptions during limited time periods, state levels. That lack of political will continues today, despite occasional political rhetoric to the contrary.



### 3.2 Land Ceiling Recommendations

Given (1) the lack of political will, (2) the limited success of past efforts (even when the political climate for redistribution was more receptive), and, particularly, (3) the existence of more practical tools for providing meaningful land rights to the poorest, India should not view ceiling laws as a fundamental component of future land reform efforts.

On the other hand, without solid empirical evidence to the contrary, neither should Indian states race to increase or remove existing land ceilings. While in most states the ceilings have not led to a significant government redistribution of land, those ceilings may be serving a useful role in preventing a further excessive concentration of land and in providing appropriate incentives for some large landowners to sell land to smaller farmers and/or diversify into the non-agricultural sector. States might consider focusing their efforts in this area on the following:

*Remove the obstacles preventing the distribution of the nearly 20 lakh acres (India-wide) that have been declared surplus but not yet distributed to individual beneficiaries. Because lengthy litigation is a principal obstacle, Indian states could focus more legal aid resources or establish special tribunals to resolve long-standing cases.*

*Allocate the remaining land for distribution in smaller plots in order to benefit greater numbers of landless. States should consider allocating the remaining unallocated land as either homestead plots or small field plots (one acre or less) so that a larger number of families can enjoy the benefits.<sup>23</sup> Some question the potential impact of distributing small plots, noting that the income earned from the plot is not itself sufficient to raise the beneficiary households above the poverty line. From a livelihoods perspective, however, this is not a relevant standard. A sustainable livelihoods approach recognises that people draw on a range of capital assets to further their livelihood objectives and acknowledges that in many cases, a diversity of assets provides the best buffer against the vulnerability factors that threaten the rural poor. Even after receiving small plots, the beneficiary households typically pursue other income-generating strategies such as working as agricultural labourers. Receiving land through the land reform has not, in most cases, changed the primary "occupation" of most beneficiaries. The land has, however, provided those households with a significant opportunity to supplement their nutrition and income, in addition to increasing their status and credit worthiness.*

*Amend legislation so that land ceiling beneficiaries are not permanently prohibited from selling their land. International experience indicates that permanent prohibitions on land sales are unnecessarily restrictive.<sup>24</sup> States with permanent prohibitions should consider revising their laws to provide for time-bound restrictions of perhaps 10 to 15 years.*

If any Indian states do plan to continue using land ceilings as tool to redistribute land, the following legislative changes should be considered:

*Increase the amount of compensation provided to landowners who lose ceiling-superplus land. While higher compensation is not required under principles of constitutional case law, it is recommended. Compensation need not be market value, but should be meaningful and well above the token amounts in many state laws, which border on confiscation.*

*Use individuals rather than families as the unit to which the ceiling applies. West Bengal's experience indicates that a unit based on an individual ensures greater equity and eliminates an easy loophole by which larger families split into additional families in order to retain more land.<sup>25</sup>*

*Limit the amount of ceiling-superplus land that a beneficiary family can receive to one acre. Given the large numbers of landless rural*

households, it is more important to increase the number of beneficiary families than to provide each beneficiary family an "ideal" amount of land.

If any states are seriously considering increasing or removing land ceilings, they should first undertake rigorous empirical research to determine the equity and efficiency effects of revising existing land ceilings.

### 3.3 Non-Ceiling Approaches: Land Purchase

All states should also consider other non-ceiling approaches to redistributing private land. One approach that deserves consideration is a land purchase approach, especially one implemented through women's self-help group activities. The government of Andhra Pradesh has recently initiated a land purchase programme in partnership with civil society organisations as part of its Indira Kranthi Patham (IKP) project (formerly called Velugu). Under the programme, landless female agricultural labourers can purchase up to one acre of irrigated land. The women undertake land purchases as a self-help group activity, with the community-based organisation structure providing support and assistance.

Mindful of issues and challenges faced by other land purchase schemes, Andhra Pradesh designed the land purchase activity with the following features:

*Beneficiary-driven Process:* In contrast to schemes in which bureaucrats initiate the process of identifying land and negotiating for the purchase before identifying beneficiaries, Andhra Pradesh's land purchase activity is initiated by the beneficiaries. Self-selected beneficiaries that have demonstrated capacity for a land purchase identify the land, negotiate a price, and develop a business plan for farming the land.

*Purchase plus improvements:* Andhra Pradesh requires beneficiaries to consider what improvements (such as irrigation) are necessary and to include the costs of and plan for such improvements in their business plan. This consideration and budgeting for necessary improvements avoids the problems inherent in schemes that allow land purchases without factoring in the costs of necessary improvements essential to successful farming of the land.

*Business plan requirement:* Andhra Pradesh's requirement of a business plan prior to purchase focuses the beneficiaries on the economic feasibility of their land purchase and requires consideration of options. Schemes that do not identify beneficiaries until after land purchase cannot benefit from this kind of essential business planning.

*Cost recovery plan:* Andhra Pradesh's land purchase scheme includes a substantial grant component and reasonable repayment terms so beneficiaries are not saddled with an unmanageable debt and unrealistic repayment plan. The repayment plan is included in the pre-purchase business plan so beneficiaries can evaluate the extent of their obligation and understand how the repayment obligation factors into the overall economics of the land purchase activity.

Including these features in a project aimed at broadening land ownership through purchase will help avoid problems that have plagued land purchase projects implemented by scheduled caste development corporations. Such schemes have had some success, but have also faced significant problems, including allowing the landowners seeking to sell land to initiate and control the process, failing to anticipate the need for improvements and technical assistance and to include those costs in budgeting, identifying beneficiaries after the land is purchased, permitting beneficiaries to take on unmanageable debts and establishing often unenforceable repayment schemes.



In contrast to these schemes, Andhra Pradesh's ICP programme is designed with an understanding of the realities faced by landless rural labourers. The orientation toward the programme beneficiaries has served the programme well. A study of the programme's early experience indicates that beneficiary households have significantly higher levels of food security, have improved levels of health and education, and experience less migration than non-beneficiary households.<sup>28</sup>

#### 4 Allocation of Government Wasteland

Wasteland allocation programmes often suffer from poor reputations. The reasons are varied. First, wasteland is, by definition, land that is barren or producing significantly below its economic potential.<sup>29</sup> Thus, while state governments report allocating 14.7 million acres of government wasteland to poor rural households (three times the amount of ceiling-surplus land distributed),<sup>30</sup> the topic of government wasteland allocation is rarely mentioned in the literature, perhaps because the quality of such allocated wastelands is often very poor. In isolated studies, researchers have typically found that a majority of the government wastelands allocated are not utilised.

Second, the government figures on wasteland allocation are likely over-stated. Field investigations in Andhra Pradesh, for example, indicate that perhaps as much as 30 per cent of the reported beneficiaries do not have both legal and physical possession of the allocated land. The gaps between the reported numbers and secure land rights occur for a variety of reasons, including: (1) assignment of land is on paper only, and the beneficiaries are not in physical possession; (2) more powerful interests have evicted the beneficiaries from their lands; and (3) in numerous cases, especially in Telangana where large compact blocks have been assigned to the poor, the beneficiaries have not received their individual parcels of land because the survey subdivision work is incomplete. Other states report similar circumstances concerning past government land "allocations".

These "gaps" represent both a problem and an opportunity. The failure of past allocations of government land to provide secure land rights for the intended beneficiaries is the problem. State governments now have the opportunity to address those "gaps" and thus broaden access to secure land rights.

Andhra Pradesh's recent efforts to address the shortcomings in earlier "allocations" of government land provide a model for other states to consider. Andhra Pradesh's ICP project identifies – often with the help of community-based organisations – specific, local opportunities for enhancing the poor's rights to government land (as well as other land). Once those opportunities are identified, the project (under the rural development department) works with the revenue department and local communities to facilitate the actions necessary to enhance those land rights. To date, the combined efforts of the revenue department, ICP, and numerous state officials and local communities have put secure rights to at least tens of thousands of government land into the hands of the rural poor.

The model starts with multifaceted and decentralised efforts to identify "gaps" of the type listed above or other opportunities

to allocate unallocated government land. These gaps or opportunities are then classified by project officials, after which they determine the most appropriate approach, select a course of action, and see that action to completion.

The Andhra Pradesh ICP project takes a multifaceted, flexible, decentralised approach. The project has brought new life to government efforts to broaden land access by taking advantage of the land-related circumstances unique to each setting and tailoring programmes to take advantage of specific opportunities.

#### 5 Allocation or Regularisation of House Sites

Some state government post-independence land reform efforts included measures to provide house sites and homestead plots to landless labourers or other land-poor households. States have distributed land from a variety of sources, including: (1) state government land; (2) vested ceiling-surplus land; and (3) land under the control of the panchayats. Some land distribution programmes do not provide "new" land but grant current occupants enhanced rights. Examples include granting residential tenants ownership of the land they occupy and regularising the possession of illegally occupied land. Some states, such as West Bengal and Bihar, enacted separate laws for one or more of these methods, but most states have incorporated provisions in their land reform laws, land revenue laws, or both.

Pursuant to these laws and provisions, an estimated four million households received house sites and homestead plots across India. The plots typically have ranged in size from 0.02 acre (about 900 square feet) to 0.10 acre (about 4,300 square feet).<sup>31</sup>

Policymakers intended the allocations to provide agricultural labourers with land for a residence and in some cases, to free them from the control exerted by employers who are also their residential landlords. Studies demonstrate, however, that the benefits of the allocation of such small plots often exceeds the legislators' intent: small plots also provide households with important non-residential benefits (income, nutrition, status and credit access), particularly when the plots are large enough to include a garden and space for a few animals.<sup>32</sup> Allocation of homestead plots is, therefore, worthy of new consideration as a critical tool to providing the rural poor with access to land.

##### 5.1 Small Plots Yield Significant Benefits

As discussed in the section on recommendations relating to land ceilings, past land reform programmes in India have been based on the assumption that the government should give poor rural households at least two to three acres of land. However, experience in numerous countries as well as recent research findings in India suggest that poor, rural households can significantly improve their well-being on house plots if the plots are larger than 0.03 acre. The research, conducted by the Rural Development Institute (US) and the University of Agricultural Sciences, Bangalore, includes several findings worth consideration:

Functionally landless, agricultural labourer families that own a house plot typically derive substantial non-housing benefits from the plot



including increased nutrition, income, status, wealth generation, and access to credit.

Those benefits increase very substantially with relatively small increases in house plot size, especially as the house plot increases above three cents (about 1,300 square feet) to about seven cents (about 3,600 square feet).

Families with house plots larger than three cents were more than twice as likely as those with smaller plots to report that their house plot had resulted in increased family income; three times as likely to report that the plot had resulted in improved nutrition; and almost twice as likely to report that receiving the plot had increased their access to credit.

Rural families with well-developed house-and-garden plots of about seven cents were producing enough vegetables, fruit, and milk on their homestead plots to meet or significantly exceed their household nutritional needs of these products. Apart from direct household consumption, these households received about Rs 11,000 of annualised income from the sale of products from their house-and-garden plots.<sup>33</sup>

These findings from India are consistent with evidence from a variety of developing country settings showing that small homestead or garden plots have conferred multiple important benefits in terms of food, income, status, fuel wood, and economic security to poor households.<sup>34</sup> Moreover, many of these benefits accrue specifically to women, and are thus most likely to be used to benefit the family's nutrition, health, and education.<sup>35</sup>

The state governments in West Bengal, Karnataka, and Orissa have recently initiated new programmes to allocate homestead plots to landless labourers. These programmes obtain the land for allocation through multiple methods, including purchase in clusters. The Karnataka programme aims to allocate 0.10 acre per household; the West Bengal programme aims to allocate at least 0.16 acre per household, and the Orissa programme at least 0.04 acre per household. The *Draft Eleventh Five-Year Plan* proposes a homestead plot of about 10 cents to each of those landless families who do not have a roof over their heads.

## 5.2 Homestead Plot Recommendations

Allocating one-fifteenth to one-tenth acre homestead plots may be the most practicable method of providing meaningful land rights to India's 17 million rural families that are completely landless. Because land in most village habitation areas is scarce and expensive, state governments should consider the approaches now being used in Karnataka and West Bengal that involve purchasing multi-acre land parcels within one kilometre of a village, dividing the parcel into house-and-garden plots of approximately 0.10 acre or more, providing some basic infrastructure to this new colony (e.g. a road, drinking water, electricity, basic housing), and distributing the plots to landless labourers.

The amount of land needed is not substantial. Allocating such plots to each of the 17 million landless families in India would require less than 0.5 per cent of India's agricultural land. Moreover, the land costs per family are affordable. If non-irrigated agricultural land is targeted, typical costs of such land range from Rs 40,000 to Rs 1,00,000 per acre or Rs 4,000 to Rs 10,000 to benefit each family with a one-tenth acre plot. With land purchase as a feasible option, the

government need not be limited by insufficient existing government land or face the political and administrative difficulties of expropriating land.

Allocating homestead plots can be accomplished through new government schemes or can be incorporated into existing rural housing, integrated village development, or rural poverty alleviation schemes. The existing government rural housing schemes currently face two limitations in this regard. First, they typically limit the size of qualifying house sites to 1,200 square feet or less, which is not large enough to provide sufficient space for a garden and livestock. Government planners should aim to provide at least 3,000 square feet to each family. Second, housing schemes rarely include resources for land purchase. Thus, those receiving benefits must already have their own land, and the poorest often do not qualify because they do not own a house site. Rural housing programmes could address these limitations by devoting some significant portion of existing resources for obtaining land and increasing the size of the house sites.

## 6 Conclusions

The legislative foundations of land law and policy reform in India (tenancy reform, land ceilings, land allocations) were designed to increase the poor's access to rural land. To date, the effectiveness of the legislation has been mixed and progress over the last few years has slowed. But the link between rural poverty and landlessness remains, and a well-considered plan for rethinking and reforming policies and laws in a manner that advances the interests of the poor should lead India's agenda. The plan can be both pro-poor and market friendly, and the required costs are not unthinkable.

The following approach, which involves selected revision to existing legislation and adoption of new methods of increasing land access, will help achieve the original equitable objectives of India's land reform legislation:

Revitalise tenancy reform by: (1) solidifying the gains of past tenancy reform by converting protected tenants into owners; and (2) selectively liberalising excessive tenancy regulation and restrictions;

Assist beneficiaries of ceiling legislation in realising the benefits by removing obstacles to land distribution and relaxing moratoriums on the transfer of ceiling-surplus land;

Consider adopting the decentralised IRP project approach in AP as a model for solidifying the gains of past wasteland allocation and otherwise providing secure land rights to the poor; and

Explore using land purchase and existing government land to create new colonies of one-tenth acre house-and-garden plots for distribution to landless labourers.

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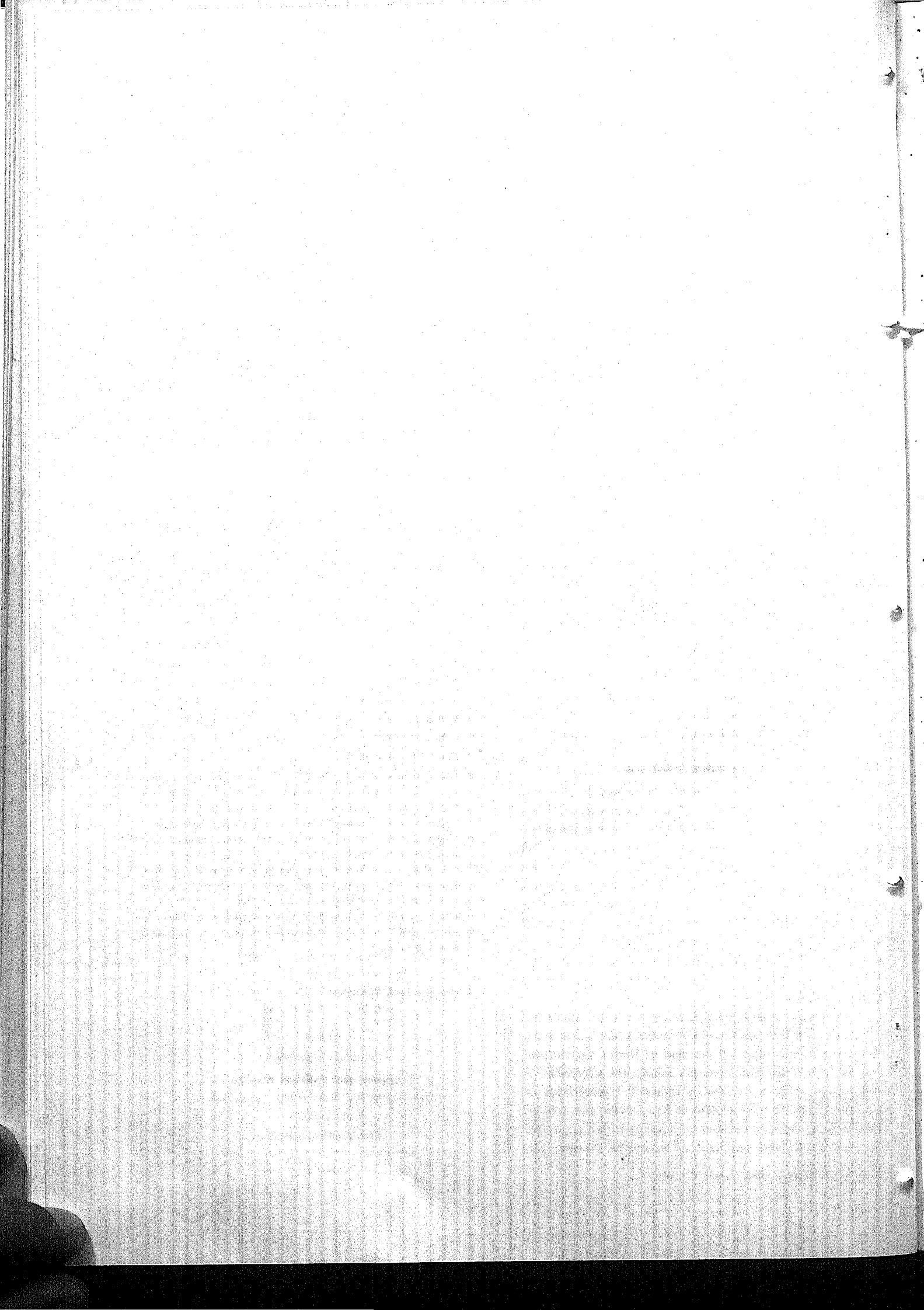
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The work required on India's land laws and policies in order to broaden access is significant, but should not be paralysing. The existing legal framework provides a solid starting point. With an

open mind, a commitment to benefit the poorest, and a desire to explore and pilot new approaches, the objectives of land reform are achievable. India's poor deserve nothing less.

## NOTES

- 1 World Bank, *India: Achievements and Challenges in Reducing Poverty*, A World Bank Country Study, 1997, pp XIII-XIV.
- 2 A 5,000 household study on the impact of land reforms in India, which involved data from 1982 and 1999, found that the enactment of land reform legislation alone did not produce intended results. The level of effort expended by the states in implementing land reforms was critical to the results. The study found that those states that made serious efforts to implement land reform laws saw positive impacts. Households in states that had high levels of land reform effort and implementation experienced higher levels of asset and income growth and educational attainment than households in states that put low levels of effort into implementing land reforms. See *Description of Survey and Results in World Bank, India: Land Policies for Growth and Poverty Reduction*, Oxford University Press, New Delhi, 2007, pp 58-64.
- 3 P S Appu, *Land Reforms in India*, Vikas, New Delhi, 1996, pp 115-23.
- 4 World Bank (2007) *op cit*, pp 62-64. The 5,000 household study found that even where states implemented land reforms, the beneficiaries received the majority of the benefits within the first years of implementation. The positive impacts decline over time. After 25 years, few benefits are realised, and negative impacts may overtake the positive.
- 5 Exceptions include: (1) tenancy laws of Tamil Nadu and the Andhra area of Andhra Pradesh have no provisions for conferring rights of ownership on tenants; (2) in Bihar, Punjab and Haryana, tenants of landlords who own land below the ceiling limit (virtually all) are not entitled to ownership rights on the tenanted lands; (3) in Rajasthan, tenants whose tenancy contracts started after 1961 are not entitled to ownership; and (4) in Uttar Pradesh and West Bengal, sharecroppers are not entitled to receive ownership rights.
- 6 This categorisation is a variation of one developed by T Haque. See T Haque, *Impact of Tenancy Reforms on Productivity Improvement and Socio-economic Status of Poor Tenants*, NCAP Policy Paper 13, 2001.
- 7 Government of India, Ministry of Rural Development, *Annual Report 2002-03*, Annexure XXXVI.
- 8 P S Appu *op cit* (1996), pp 82-124.
- 9 This conclusion is supported by the results of the 5,000 household survey conducted in 1982 and 1999. See World Bank, *op cit* (2007), pp 73-74.
- 10 See *ibid*, pp 75-77; K Deininger, *Land Policies for Growth and Poverty Reduction*, A World Bank Policy Research Report World Bank, Washington DC, Oxford University Press, Oxford and New York, 2003, pp 84-93; Susanna Lasteria-Cornhill and Jolyne Melmed-Sanjak, *Land Tenancy in Asia, Africa and Latin America: A Look at the Past and a View to the Future*, Draft Report for the Food and Agriculture Organisation of the United Nations, May 1998.
- 11 Deininger (2003); *op cit*, pp 85-86. Land tenancy markets serve an important function in equalising returns to non-tradable factors of production, such as family labour and bullocks in India. If the distribution of the surplus is not too skewed between landlord and tenant, rental will have an important positive impact on equity. See E Skoufias, *Land Tenancy and Rural Factor Market (Imperfections Revisited)*, *Journal of Economic Development*, 16(1), 1994, pp 37-55.
- 12 M R Carter, Y Yao and K Deininger, *Land Rental Markets Under Risk: A Conceptual Model for China*, University of Wisconsin, Madison, 2002.
- 13 Elisabeth Sadoulet, Rinku Murgal and Alain de Janvry, 'Access to Land via Land Rental Markets' in Alain de Janvry et al (eds), *Access to Land, Rural Poverty, and Public Action*, Oxford University Press, Oxford, pp 217-18.
- 14 World Bank (2007), *op cit*, pp 77-78.
- 15 *Ibid*, pp 75-82.
- 16 *Policy Relating to Sharecropping and Leasing*, Department of Rural Development, Government of India, December 1997; and *Concept Note on Legalising Leasing of Agricultural Land*, Prime Minister's Office, government of India, July 1999.
- 17 See T Hanstad and R Nielsen, *From Sharecroppers to Landowners: Paving the Way for West Bengal's Bajadars*, RDI Report No 121, 2004, ([www.rdinland.org/PDF/PDF\\_Reports/RDI\\_121.pdf](http://www.rdinland.org/PDF/PDF_Reports/RDI_121.pdf)).
- 18 Policymakers, however, should recognise that such provisions will be difficult to implement and the costs and/or likelihood of implementation should be seriously balanced against the likely benefits to be accrued.
- 19 *Annual Report 2002-03*, Government of India, Ministry of Rural Development, at Annexure XXXVII.
- 20 Comprehensive comparisons of ceiling laws can be found in N C Behuria, *Land Reforms Legislation in India*, Vikas, Delhi, 1997, pp 131-42.
- 21 *Annual Report 2002-03*, Government of India, Ministry of Rural Development, at Annexure XXXVII and *Agricultural Statistics at a Glance*, Government of India, Ministry of Agriculture, 2006, available at <http://agrocoop.nic.in>.
- 22 See T Hanstad and J Brown, *Land Reform Law and Implementation in West Bengal: Lessons and Recommendations*, RDI Report No 112, 2003 and A Chakraborti, *Beneficiaries of Land Reforms: The West Bengal Scenario*, State Institute of Panchayats and Rural Development, Government of West Bengal, Nadia, 2002.
- 23 Appu, *op cit* (1996), p 174.
- 24 Experienced observers have pointed to ceiling limits that are too high; delay in the adoption and implementation of the laws; judicial delays; undue influence of landlords on local land tribunals; lack of organisation of potential beneficiaries; and lack of accurate and current land records. See T Haque and A S Sirohi, *Agrarian Reform and Institutional Changes in India*, Concept Publishing, New Delhi, 1986; P S Appu (1996), *op cit*, p 174; Sakmat Das, *A Critical Evaluation of Land Reforms in India (1950-1995)* in Sinha and Pushpendra (eds), *Land Reform in India: An Unfinished Agenda*, 2000 and D Thakur, *Politics of Land Reform in India*, Commonwealth Publishing, New Delhi, 1989.
- 25 The role that small plots can play in enhancing the rural livelihoods is visible in the fields of West Bengal. As part of its land reform efforts, West Bengal redistributed 1.04 million acres of ceiling-surplus land to 2.54 million land-poor households. In recent years, the state has been allocating ceiling-surplus lands in very small plots, averaging less than one-third of an acre. In a small field study covering two districts, The Rural Development Institute (RDI), Seattle interviewed 34 erstwhile landless land reform beneficiaries who had received plots averaging 0.16 acres (ranging from 0.07 to 0.38 acres). The majority of the households farmed their plots intensively and reported significant increases in food intake, income, and social status – a mix of human, financial, and social assets that they attributed to the small field plots. Other more comprehensive studies are consistent with RDI's findings: West Bengal's land reform beneficiaries have realised important benefits from plots of land much smaller than an acre. See Anil Chakraborti, *Beneficiaries of Land Reforms: The West Bengal Scenario*, government of West Bengal, State Institute of Panchayats and Rural Development, 2003.
- 26 See discussion regarding impact of restrictions in Deininger (2003), *op cit*, pp 88-89; L Alston, T Eggertsson and D North, *Empirical Studies in Institutional Change*, Cambridge University Press, Cambridge 1996 and L Rolfs, Jr, *Land Transactions in R Prosterman and T Hanstad (eds), Legal Impediments to Effective Rural Land Relations in Eastern Europe and Central Asia*, World Bank Technical Paper No 436, 1999.
- 27 T Hanstad and J Brown, 2001, *op cit*, p 55.
- 28 Anath Pantli and M Mahamalik, *A Report Submitted to the Society for Elimination of Rural Poverty*, Government of Andhra Pradesh by the Indian Institute of Dalit Studies, not dated, pp 54-81.
- 29 Gopal K Kadekodi, *Common Property Resource Management*, Oxford University Press, New Delhi, pp 44-45.
- 30 Six states report allocating 80 per cent of this land, led by Andhra Pradesh (28 per cent of the national total) and Uttar Pradesh (17 per cent of the national total), Ministry of Rural Development, Government of India, *Annual Report 2003-04*, Annexure XL.
- 31 Das, *supra* note 158, p 38. West Bengal alone claims to have allocated approximately 5,00,000 such house sites.
- 32 See Hanstad, Brown and Prosterman, 'Allocating Homestead Plots as Land Reform: International Experience and Analysis from Karnataka' *Economic & Political Weekly*, July 20, 2002.
- 33 *Ibid*.
- 34 R Mitchell and T Hanstad, 2004, 'Small Holdings and Sustainable Livelihoods for the Poor', UNPAO Livelihood Support Programme Working Paper No 11.
- 35 See generally Bina Agarwal, 'Disinherited Peasants, Disadvantaged Workers: A Gender Perspective on Land and Livelihood', *Economic & Political Weekly*, March 28, 1998 and Luci De Costa and Davuluri Venkateshwarlu, 'Unfree Relations and the Feminisation of Agricultural Labour in Andhra Pradesh, 1970-1995', *Rural Labour Relations in India*, not dated, 107.

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## **Agrarian Structure in Uttar Pradesh: Impact of Land Reforms**

**Prof. G.S. Bhalla**

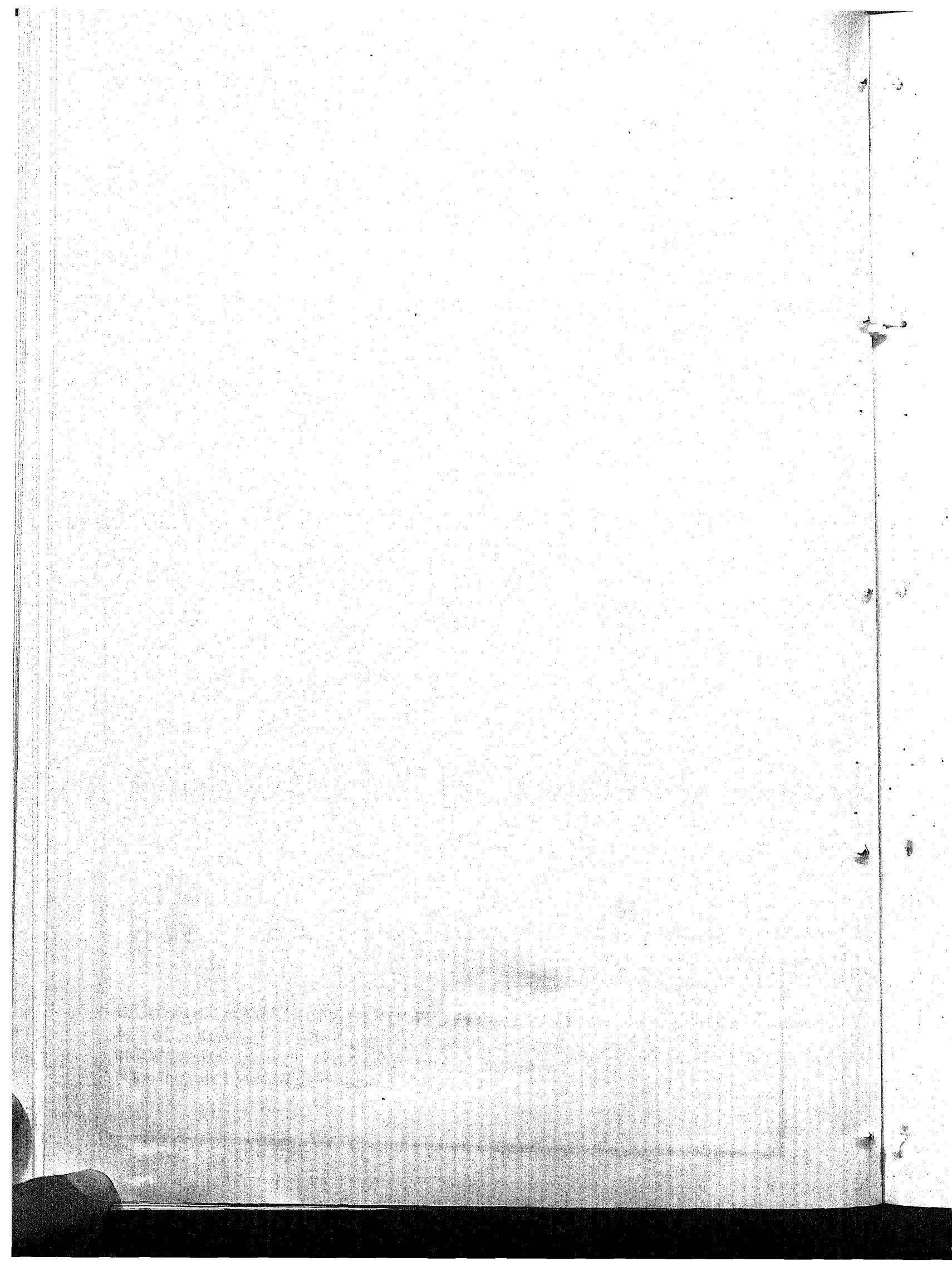
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Presentation  
by  
G.S.Bhalla

Professor Emeritus,  
CSRD, School of Social Sciences,  
Jawaharlal Nehru University, New Delhi-110-067  
At the seminar

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## **Some Recent Changes in Land Distribution**

- Land Distribution Remains highly skewed both in terms of ownership & Operational Holdings
- U P along with West Bengal and Kerala show extreme Marginalisation.
- Some serious Implications in terms of Livelihood of a large proportion of population dependent on agriculture

Percentage distribution of households and area owned over five broad classes in 17 major States for 1971-72 & 2003 RURAL																	
State	year	percentage of households								percentage of area owned							
		margin- al	small	semi- Med	mediu- m	large	all	margin- al	small	semi- Med	mediu- m	large	all				
				mediu- m						mediu- m							
-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11	-12	-13	-14				
	ANDHRA PRAD	2003	82.7	9.1	5.3	2.6	0.6	100	21.87	19.95	21.16	22.91	14.05	100			
ASSAM	1971-72	65.3	13.65	11.22	7.57	2.26	100	9.92	13.16	21.19	30.15	25.58	100				
	2003	81.8	14.2	3.6	0.5	0	100	44.42	34.87	16.36	4.32	0	100				
BIHAR1	1971-72	69.58	18.2	9.73	2.38	0.11	100	22.15	30.22	30.79	15.2	1.64	100				
	2003	89.4	7.1	2.7	0.7	0.1	100	42.07	25.29	18.53	9.56	4.63	100				
GUJARAT	1971-72	71.71	15.11	8.15	3.68	0.37	100	16.2	23.43	28.07	23.63	6.67	100				
	2003	73.3	11.9	7.2	6.5	1	100	13.6	16.05	18.96	39.12	12.28	100				
HARYANA	1971-72	52.25	15.24	13.63	13.8	5.08	100	4.53	9.94	16.73	36.15	32.65	100				
	2003	77.2	9.8	7.7	4.9	0.4	100	13.15	15.83	24.62	34.14	12.26	100				
HIMACHAL PRAD	1971-72	63.9	8.95	11.67	13	2.48	100	4.63	7.43	18.95	46.93	22.06	100				
	2003	83.7	11.5	4.1	0.5	0.1	100	43.8	28.02	19.77	6.45	2.03	100				
	1971-72	61.19	20.92	12.18	5.2	0.51	100	21.22	23.43	25.92	23.12	6.31	100				

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State	ye ar	percentage of households								percentage of area owned							
		margin- al	small	semi- Med	mediu- m	large	all	margin- al	small	semi- Med	mediu- m	large	all				
				mediu- m						mediu- m							
-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11	-12	-13	-14				
	JAMMU &	2003	77.5	15	5.6	1.7	0.2	100	36.26	25.49	19.54	11.12	7.58	100			
KARNATAKA	1971-72	59.18	29.2	10	1.62	0	100	27.41	39.33	26.2	8.06	0	100				
	2003	71	14.1	8.8	5.4	0.7	100	16.65	19.45	23.18	29.52	11.2	100				
KERALA	1971-72	50.94	16.27	18.13	11.85	2.81	100	5.74	11.81	24.84	35.19	22.42	100				
	2003	95.3	3.5	0.9	0.3	0	100	50.72	21.13	10.78	7.16	0	100				
MADHYA PRADESH	1971-72	88.69	7.32	3	0.91	0.08	100	40.88	24.32	19.05	11.89	2.96	100				
	2003	61.7	18	12.1	7.1	1.1	100	11.61	19.07	25.8	31.25	12.29	100				
MAHARASHTRA	1971-72	40.26	16.96	20.72	17.2	4.86	100	3.34	9.16	21.36	37.8	28.34	100				
	2003	69	13.1	12	5.1	0.8	100	12.38	17.57	30.88	27.35	11.78	100				
ORISSA	1971-72	48.36	14.94	16.28	14.99	5.43	100	3.48	8.59	18.34	35.45	34.14	100				
	2003	85.5	9.7	3.7	0.9	0.1	100	41.52	27.08	19.72	9.98	1.78	100				
	1971-72	68.94	18.08	9.04	3.52	0.42	100	20.45	26.95	25.88	20.72	6	100				

Percentage distribution of households and area owned over five broad classes in 17 major States for 1971-72 & 2003													
State	Year	percentage of households						percentage of area owned					
		margin	small	semi-	mediu	large	margin	small	semi-	mediu	large		
		-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11	-12
PUNJAB	2003	76.3	9.5	7.9	5.1	1	9.16	15.63	25.3	34.6	15.31		
	1971-72	67.5	8.37	12.71	9.19	2.23	4.47	8.87	25.06	37.96	23.64		
RAJASTH	2003	55.2	18.5	14	10.1	4.1	9.26	11.19	18.61	28.4	32.52		
	1971-72	26.96	19.87	20.49	22.63	10.05	2.03	8.78	13.15	32.89	45.16		
TAMIL NADU	2003	90.1	5.7	2.9	1.2	0	33.21	23.1	22.09	20.57	1.23		
	1971-72	73.13	11.39	6.75	3	0.46	20.23	21.84	25.21	22.97	9.76		
UTTAR PRAD	2003	81	12.3	4.8	1.6	0.1	34.89	27.38	20.74	14.65	2.34		
	1971-72	65.58	18.6	10.64	4.49	0.49	17.49	24.65	27.94	23.88	6.07		
WEST BENGAL	2003	92.06	5.7	1.4	0.2	0	58.23	25.71	11.88	4.02	0		
	1971-72	77.62	12.64	7.3	2.39	0.05	27.28	25.69	27.72	18.81	0.7		
ALL-INDIA	2003	79.6	10.8	6	3	0.6	23.05	20.38	21.98	23.08	11.55		
	1992	71.88	13.42	9.28	4.54	0.88	16.93	18.59	24.58	26.07	13.83		
	1971-72	62.62	15.49	11.94	7.83	2.12	9.76	14.68	21.92	30.73	22.91		

Changes in percentage distribution of operational holdings and area operated by size categories of operational holdings in 15 major States													
STATE	year	marginal		small		semi-medium		medium		large		number	area
		number	area	number	area	number	area	number	area	number	area		
ANDHRA	2003	60.7	18.6	20.7	21.1	12	22.8	5.5	22.1	1.1	15.5		
	70-71	47.3	9.3	19.1	11.7	18.2	21.9	11.9	31.3	3.5	25.8		
ASSAM	2003	76.2	42	18.4	36	4.7	17.1	0.6	4.9	0	0		
	70-71	52.4	21.6	30.2	34.9	14.3	30.5	3	12.2	0.1	0.7		
BIHAR	2003	82.6	43	12.2	27.4	4	17.6	1	8.7	0.2	3.2		
	70-71	58.9	18.1	23.3	26.2	12.9	28.9	4.5	21	0.5	5.7		
GUJARAT	2003	60	13.1	17.3	15	11.1	19	9.8	37.3	1.8	15.6		
	70-71	27.2	3.9	20.7	8.6	22.2	17.4	21.6	36	8.2	34.2		
HARYANA	2003	66.3	10.4	12.8	13.5	12.3	26	7.8	35	0.9	15.1		
	70-71	17.5	2.5	17.5	6.5	28.3	18.9	31.1	49.2	5.6	21.8		
KARNATAKA	2003	58.2	16.2	20.4	20	13.2	24.8	7.1	27.8	1.1	11.1		
	70-71	28.8	5.1	22.8	10.7	25.4	23	17.6	34.3	5.4	27		
KERALA	2003	91.8	57.8	6.2	29.3	1.5	11.7	0.5	7.2	0	0		
	70-71	86.2	40.1	8.9	24.8	3.7	20.1	1.1	12.3	0.1	2.9		
M P and CHATTISGARH	2003	51.2	13.1	23.3	20.3	16.7	28.5	7.7	27	1.2	11.2		
	70-71	26.1	3.4	20.3	8.9	25.8	21.2	21.6	38	6.2	28.6		
MAHARASHTRA	2003	49.5	12	21.4	17.7	19.1	30.4	8.8	29.2	1.2	10.7		
	70-71	23.7	3.1	21.7	8.4	23.4	17.6	22.4	35.3	8.7	35.7		

**Changes in percentage distribution of operational holdings and area operated by size categories of operational holdings in 15 major States**

STATE	year	marginal		small		semi-medium		medium		large	
		number	area	number	area	number	area	number	area	number	area
ORISSA	2003	79.4	43	15.2	28.7	5.2	18.8	1.1	8.6	0.1	0.9
	70-71	4.5	18.6	25.8	27.3	13.9	27.1	5.3	21.6	0.6	0.5
PUNJAB	2003	66.3	7.3	11.2	11.7	12.9	26.2	7.8	36.4	1.9	18.5
	70-71	11.7	1.5	19.1	7.1	32.7	24.3	30.5	45.1	6	22.1
RAJASTHAN	2003	49.4	9	18.5	10.9	15.9	18.6	11.5	28.4	4.7	33.1
	70-71	31	2	16.4	5.8	21.3	14.2	21.8	33.2	9.5	44.8
TAMIL NADU	2003	77.1	30.9	13.4	24.2	6.7	23	2.7	20.4	0.1	1.5
	70-71	60.1	21.9	21.3	22.7	13.2	27.3	4.9	21.7	0.6	6.3
UTTAR PRADESH	2003	76.7	35.7	15.9	29.2	5.6	19.8	1.7	12.5	0.1	2.8
	70-71	49.8	15.6	26.9	25.3	16.5	29.8	6.2	23.3	0.7	6
WEST BENGAL	2003	88.8	58.3	8.9	26.7	2.1	12.2	0.2	2.7	0	0
	70-71	61.2	24.8	22.8	28.9	12.9	31.1	3	14.6	0.1	0.6
ALL-INDIA	2003	69.8	22.6	16.2	20.9	9	22.5	4.2	22.2	0.8	11.8
	70-71	45.8	9.2	22.4	14.8	17.7	22.5	11.1	30.5	3.1	23

**Percentage of operated area leased in**

STATES	YEAR				
	1953-54	1971-72	1981-82	1992-93	2002-03*
Andhra Pradesh	21.2	9.0	6.2	9.6	9.0
Assam	43.0	16.7	6.4	8.9	5.3
Bihar	12.4	14.5	10.3	3.9	8.9
Gujarat	19.4	3.9	2.0	3.3	5.1
Haryana	39.8	23.3	18.2	33.7	14.4
Himachal Prad.	NA	15.9	3.2	4.8	NA
Jammu & Kash	22.1	8.1	2.5	3.7	NA
Karnataka	21.5	15.9	6.0	7.4	3.6
Kerala	20.2	8.6	2.1	2.9	4.0
Madhya Pradesh	19.8	7.5	6.6	6.3	3.6
Maharashtra	19.7	6.2	5.2	5.5	4.7
Orissa	12.6	13.5	9.9	9.5	13.0
Punjab	39.8	28.0	16.1	18.8	16.8
Rajasthan	21.0	5.3	4.3	5.2	2.8
Tamil Nadu	27.0	13.1	10.9	10.9	6.0
Uttar Pradesh Utt	11.4	13.1	10.2	10.5	9.5
West Bengal	25.4	18.8	13.4	10.4	9.3
All India	20.6	10.6	7.2	8.3	6.5

Changes in Gini's coefficient of operational holdings in 15 major states

	Gini Coefficient			
	70-71	81-82	91-92	2003
Rural	26th	37th	48th	(59th)
ANDHRA PR.	0.603	0.599	0.576	0.543
ASSAM	0.422	0.519	0.494	0.366
BIHAR	0.566	0.606	0.637	0.421
GUJARAT	0.54	0.558	0.604	0.605
HARYANA	0.464	0.598	0.675	0.675
KARNATAKA	0.527	0.581	0.609	0.543
KERALA	0.647	0.649	0.636	0.348
MADHYA PR.	0.533	0.535	0.558	0.527
MAHARASHTRA	0.526	0.571	0.598	0.626
ORISSA	0.501	0.526	0.514	0.381
PUNJAB	0.418	0.702	0.73	0.706
RAJASTHAN	0.564	0.604	0.613	0.61
TAMIL NADU	0.516	0.64	0.646	0.508
UTTAR PR.	0.485	0.565	0.572	0.450
WEST BENGAL	0.49	0.597	0.585	0.313
INDIA	0.586	0.629	0.641	0.557

State-wise incidence of tenancy Rural

State	percentage of hhs reporting leasing out	percentage of hhs reporting leasing in	average area leased in per reporting household	leased-in area as percent of total area owned
Andhra Pradesh	3.2	15.86	0.378	9.69
Assam	0.55	7.47	0.429	5.81
Bihar	1.94	12.32	0.392	12.82
Chhattisgarh	1.48	11	0.618	6.38
Gujarat	1.62	10.08	0.544	5.4
Haryana	8.28	16.99	0.848	17.31
Himachal Pradesh	2.6	21.58	0.077	2.97
Jammu & Kashmir	0.05	3.12	0.098	0.33
Jharkhand	0.24	6.69	0.201	2.4
Karnataka	2.77	7.49	0.455	3.48
Kerala	1.17	7.09	0.156	4.72
Madhya Pradesh	1.72	6.75	0.682	3
Maharashtra	1.59	10.73	0.488	4.92
Orissa	4.84	15.7	0.499	14.69
Punjab	5.11	12.08	1.349	19.46
Rajasthan	1.46	4.25	1.672	3.42
Tamil Nadu	2.44	16.31	0.145	6.97
Tripura	1.72	6.74	0.26	6.52
Uttar Pradesh	5.36	12.78	0.509	10.82
Uttarakhand	2.07	11.82	0.152	4.85
West Bengal	2.26	11.27	0.271	10.35
Group of UTs	2.24	39.62	0.066	10.49
all-India	2.8	11.52	0.444	7.05

Percentage of tenant holdings and operated area leased in for 15 major

Rural

STATE	Percentage of Tenant Holdings			Percentage Share of Leased in Area		
	81-82	91-92	2002-03	81-82	91-92	2002-03
ANDHRA PRADESH	13.8	14.1	12.9	6.2	9.6	9
ASSAM	12.9	10.1	8.9	6.4	8.9	5.3
BIHAR (inc Jharkhand)	19.7	5.6	12.7	10.3	3.9	8.9
GUJARAT	4.8	3.7	5.3	2	3.3	5.1
HARYANA	25.9	17.1	10.7	18.2	33.7	14.4
KARNATAKA	10.7	8	4.6	6	7.4	3.6
KERALA	6.7	5.2	5.1	2.6	2.9	4
M P (inc Chhattisgarh)	8	9	7.3	3.6	6.3	3.6
MAHARASHTRA	10.6	6.9	6.6	5.2	5.5	4.7
ORISSA	18.2	16.9	19.4	0.9	9.5	13
PUNJAB	21.3	15.9	13.1	16.1	18.8	16.8
RAJASTHAN	7.1	6.5	2.9	4.3	5.2	2.8
TAMIL NADU	24.7	15.3	9.4	10.9	10.9	6
U P (inc Uttarakhand)	20.5	15.5	11.7	10.2	10.5	9.5
INDIA	23.1	14.4	14.1	12.3	10.4	9.3

## Terms for Leasing-in

- In advanced states Punjab and Haryana, fixed money is the predominant mode of rent payment.
- Share of produce shows persistence of traditional relationship- Orissa 73 %, Bihar 67 % - Assam 53 % and UP also 53 %.
- Fixed Produce is intermediate between fixed money and share of produce-predominant in Gujarat.
- No significant difference in terms of leasing in by size class of holdings
- In Punjab, leasing in for fixed money is predominant for each class but in the case of small and semi-medium farmers, share of produce is the dominant form of leasing -in
- In UP leasing in for Share of Produce is dominant for each size class

STATE	Percentage distribution of area leased in by terms <sup>1</sup> of lease for major States, estimated from 59th round LHS, 2003, Rural						All
	fixed money	fixed produce	share of produce in relatives:	from no terms	other	other	
	fixed produce	share of produce in relatives:	from no terms	other	other	other	
ANDHRA PRADESH	31.6	37.9	24	2.1	4.4	100	
ASSAM	15.8	3.6	55	0	25.6	100	
BIHAR (inc Jharkh)	12	17.5	67	0.5	3	100	
GUJARAT	10.7	46.3	37.9	3.5	1.6	100	
HARYANA	71.2	9.8	15.8	0.1	3.1	100	
KARNATAKA	32.4	41.1	24.8	0	1.7	100	
KERALA	39.9	7.5	12	33	7.8	100	
M P (inc Chattisg)	18.3	32.5	39	1.6	8.6	100	
MAHARASHTRA	26.2	9	37.5	15.7	11.6	100	
ORISSA	11.1	7.8	73	3.5	4.6	100	
PUNJAB	78.2	1.5	15.3	3.1	0.9	100	
RAJASTHAN	35	17.7	39.3	1.1	6.9	100	
TAMIL NADU	32	30	22.9	7.3	7.8	100	
U P RAD (inc Uttar)	23.8	12.9	29	5	5.4	100	
WEST BENGAL	23.7	28.6	34.9	4.1	8.8	100	
INDIA	29.6	20.3	40.3	4	5.9	100	

Percentage of area leased in to total area operated by terms of lease for each size class of operational holding, by State/UT and season Rural, Kharif, all-India												
size class of operational holding (ha)	Percentage of operated area leased in for / from											
	fixed money	fixed produce	share of produce	service contra ct	share of produce together with other terms	usufruc- tuaty	relatives under no specified terms	unde r term s	n. r.	all		
-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11		
Marginal	8.14	4.18	9	1.13	0.45	0.13	1.98	2.48	0.57	28.12		
Small	2.35	1.55	5.97	0	0.18	0.03	0.08	0.12	0.16	10.45		
Semi-Medium	6.48	2.81	7.14	0	0.11	0	0.25	0.07	0.41	17.27		
Medium	2.89	0.04	3.17	0	0.63	0	0	0	0	6.73		
Large	6.31	0	0	0	0	0	50.15	0	0	56.46		
all sizes	2.27	1.24	5.11	0.01	0.27	0.02	0.47	0.06	0.17	9.61		
estd. area (00 ha)	3137	1711	7052	8	374	23	647	83	229	1326		
No. of sample holdings	153	98	374	2	21	3	13	9	39	688		

Percentage of area leased in to total area operated by terms of lease for each size class of operational holding, by State/UT and season Rural, UTTAR PRADESH Kharif

size class of operational holding (ha)	fixed money	fixed produce	share of produce	service contract	share of produce together with other terms	usufru- tuary mortgag- e	relatives under no specified terms				n. r.	all
							under no specified terms	other terms	under no specified terms	n. r.		
-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11		
Marginal	5.85	2.66	14.08	0.04	0.86	0.06	1.05	0.48	0.62	25.7		
Small	2.35	1.55	5.97	0	0.18	0.03	0.08	0.12	0.16	10.45		
Semi-Medium	6.48	2.81	7.14	0	0.11	0	0.25	0.07	0.41	17.27		
Medium	2.89	0.04	3.17	0	0.63	0	0	0	0	6.73		
Large	6.31	0	0	0	0	0	50.15	0	0	56.46		
all sizes	2.27	1.24	5.11	0.01	0.27	0.02	0.47	0.06	0.17	9.61		
estd. area (00 ha)	3137	1711	7052	9	374	23	647	83	229	13266		
no. of sample holdings	153	98	374	2	21	3	13	9	39	688		

Percentage of area leased in to total area operated by terms of lease for each size class of operational holding, by State/UT and season Rural, Punjab Kharif

size class of operational holding (ha)	fixed money	fixed produce	share of produce	service contract	share of produce together with other terms	usufru- tuary mortgag- e	relatives under no specified terms				n. r.	all
							under no specified terms	other terms	under no specified terms	n. r.		
-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11		
Punjab												
Marginal	13.61	0.57	1.52	0	0	0	0	0.2	1.31	0	17.2	
Small	2.35	1.55	5.97	0	0.18	0.03	0.08	0.12	0.16	10.45		
Semi-Medium	6.48	2.81	7.14	0	0.11	0	0.25	0.07	0.41	17.27		
Medium	2.89	0.04	3.17	0	0.63	0	0	0	0	6.73		
Large	6.31	0	0	0	0	0	50.15	0	0	56.46		
all sizes	2.27	1.24	5.11	0.01	0.27	0.02	0.47	0.06	0.17	9.61		
estd. area (00 ha)	3626	68	684	0	0	0	137	41	0	4457		
no. of sample holdings	124	5	5	0	0	0	6	9	0	145		

## Pattern of Leasing-in

- Maximum Leasing-in is by large farmers followed by marginal farmers
- Marginal farmers lease -in to augment their tiny holdings.
- Large farmers lease- in to optimize the use their farm machinery-in particular tractors.
- This pattern is true not only for Punjab but also for UP.
- Percentage of landless holdings is small an not increasing-Problem not landlessness but marginalisation

Changes in proportion of landless households

State	percentage of landless households			
	1971-72	1982	1992	2003
Andhra Pradesh	7	11.9	11.9	14.3
Assam	25	7.5	13.4	8.1
Bihar <sup>1</sup>	4.3	4.1	8.6	7.6
Gujarat	13.4	16.8	16.3	13.6
Haryana	11.9	6.1	3.7	9.2
Himachal Pradesh	4.4	7.7	10.4	15
Jammu&Kashmir	1	6.8	2.8	3.3
Karnataka	12.5	13.7	10	14.1
Kerala	15.7	12.8	8.4	4.8
Madhya Pradesh <sup>2</sup>	9.6	14.4	15.2	12.1
Maharashtra	10.4	21.2	19.6	17.7
Orissa	10.6	7.7	13.8	9.6
Punjab	7.1	6.4	5.9	4.6
Rajasthan	2.9	8.1	6.4	5.7
Tamil Nadu	17	19.1	17.9	16.6
Uttar Pradesh <sup>3</sup>	4.6	4.9	4.9	3.8
West Bengal	9.8	16.2	11	6.2
all India	9.6	11.3	11.3	10

**Thank You**

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## **Land Reforms Towards Capacity Building of the Rural Poor in Uttar Pradesh**

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## LAND REFORMS TOWARDS CAPACITY BUILDING OF THE RURAL POOR IN UTTAR PRADESH

- D. M. Diwakar\*

### I. Introduction

This paper is an attempt to understand the status of land reforms and contribution of the redistribution of ceiling surplus (CS) and gaon sabha (GS) land towards capacity building of rural poor in UP. This study is divided into four parts: Part one deals with the background of agrarian reforms, whereas part two discusses redistribution status of CS and GS land among rural poor and gaps in implementations, part three analyses the impacts of redistribution of land towards capacity building of rural poor and part four consolidates challenges of unfinished agenda and insider voice as feedback for policy considerations. Official data were received from Board of Revenue of the UP Government and analysis of implementations, gaps, impacts and challenges have been used from a recent household based field study of five districts covering different regions of UP.

### I Agrarian reforms

In agrarian societies, land has been the most important means of production, status of power and prestige and therefore changes in agrarian institutions have been far reaching effects on land based social order. Land reforms were a set of the significant landmark initiatives of agrarian reforms. It was basically aimed at changing property relations and unleashing productive forces to achieve higher growth rate in agriculture on the one hand and enhance the capabilities of poor towards fulfilling basic needs and human development on the other. This development strategy emerged important in the post-World War period when many colonies achieved their political freedom and the aspirations of major anti-colonial forces mainly peasantry compelled their national government to enact and implement land reforms. Therefore, land reform measures appeared as the State initiatives (from above) in consonance with peasants' aspirations. However, Occupational Forces of General Mac Arthur for example in Japan and Taiwan were also forced to take active part in agrarian reforms to do away with feudal hurdles of agricultural development (Dorner, 1972:21; Joshi, 1982:36; Radhakrishnan, 1989: 14). Thus, the State initiatives were also derivative outcomes of pressure from below. Evidences from various countries suggest that France, Netherlands, China, Japan, Russia and many other countries could bring qualitative change in production relations and development process through land redistribution. It was also seen that land reforms provided savings out of conspicuous extravagant consumption and leakages of landlords. Tenants were liberated from illegal exaction and non-market coercion and constraints. This provided surplus to invest in agriculture to increase production and productivity and also worked towards diversification of agriculture and non-agricultural activities and thereby changed occupational structure (Bagchi, 2000).

India was not isolated from this phenomenon, rather it added yet another dimension along with peasant mobilisation, i.e. through peaceful persuasion – Bhoodan (Joshi, 1982: 88-89) however, it could not sustain and achieve significance. Needless to mention here that land reforms in different parts of this country was not a liberal gift from enlightened government rather it was an outcome of historical process necessitated by protracted peasant struggle (Radhakrishnan, 1989:13). It was an outcome of growing consciousness and realization, irrespective of geographical boundaries and ideological variations, that agrarian reforms would unleash productive forces, enhance productivity, erode feudal bases, address distributive justice and thereby contend resentment towards bringing a peaceful social order.

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Creating institution for revenue collection was probably the first step towards institutional reform that Indian agriculture witnessed. Imposition of revenue farming as an institutional arrangement dates back to Mughal India, which was not only the root of inequality and poverty but also the seed of the growth of the Zamindar class (Tandon, *et.al.*, 1936: 2). Land revenue in Mughal India was fixed on the basis of produce and not on size of land area. It was not the rent but taxes, the burnt of which was felt by both lower and upper strata of the peasantry. However, upper strata had to pay less per unit of land than the lower strata. Moreover, intermediaries were authorized to collect excess over the fixed revenue to be paid to the king. Thus, there were inherent regressive tendencies to aggravate inequality between the rich and poor in the countryside (Raychaudhuri and Habib, 1982, Vol.I, Ch.IX, see also Ch.VII). This mechanism of revenue collection was further reinforced by the company government, which entered into agreement with Zamindars (Tandon, *et.al.*, 1936: 2-3). In this process small peasantries were subjected to exploitation which led to ejection of large section of small peasantry who lost their right of ownership on land and forced to be subordinated as tenants at will to Zamindars. Rampant exploitation of the peasants during colonial rule resulted into a series of peasant movements during national freedom struggle. Champaran, Bardoli, Khera, Malabar, Agra and Oudh unrest of peasants, etc., were to name a few among them. "The efforts of larger landholders to bring rents more into line with prices touched off the wave of agrarian unrest that swept eastern and south-eastern Oudh in 1920-21" (Dharmakumar, 1982: 83). Consequent upon peasant unrests in different parts of country, there was growing realization among national leaders that land reforms were necessary to initiate process of development in India. This was very much reflected in the planning, legislation and enactment regarding abolition of the then land revenue system, abolition of Zamindari and intermediaries, etc. Basic documents that shaped their initiatives were Congress Agrarian Enquiry Committee Report 1936, Congress Economic Programme Committee Report 1948 and the Congress Agrarian Reform Committee, 1949. However, Sampurnanand had better clarity than other leaders on these issues. He was of the view: "no radical improvement in the condition of peasantry is possible without the abolition of the Zamindari System." He apprehended and warned a note of caution and further emphasised: "we must take care, while eliminating one set of vested interests, not to create another set which might have equally hostile to our ultimate goal, viz. social ownership of the land and its produce" (1936, p.xv).

In independent India, undoubtedly, abolition of Zamindari and intermediaries was a radical step to change agrarian relations. Concern of reducing disparity of ownership of land was very much recorded in Plan documents for structural reforms and agrarian efficiency (Government of India, 1956, pp.178-179). Mahalanobis Committee estimated 63 million acre land was surplus land adopting 20 acres per household in 1967. In 1970 government estimated 40 million acres. NSSO in 26<sup>th</sup> round estimated 12.2 million acres and only 7.33 million acres were declared surplus. If enactment would have been the yardstick for commitment and realization it was the largest body of legislation that India could pass after independence (Thorner, 1976: 18). But "there was apparent unwillingness of the rulers to do anything concrete about changing the production relations in Indian agriculture, which ensured that in most part of India even tenancy reforms and land ceiling laws, enacted in however diluted a form, would never be implemented" (Bagchi, 1988: 2).

Since Lucknow session of the Congress and Congress Agrarian Enquiry Committee Report 1936 Land Reforms was widely debated till 1950, this gave enough time to the Zamindars, Talukdars and other intermediaries to dispose off their land or manipulate through fake transfers. Uttar Pradesh got credit of enacting Uttar Pradesh Zamindari Abolition Land Reforms (ZALR) Act, 1950 (Das, 2000) and subsequently, Raigarh Thekadari and Pattadari Act of 1953, the Kumaon Land Act, 1954,

etc. followed and supplemented ZALRA 1950 were enacted. These acts eroded the base of feudal structure and direct relationship between peasants and state was established (Mishra, 1996: 2). However, Zamindars were also confirmed as landholders along with Bhoomidhars, Sirdhars and Asamis (Thorner, 1976: 27). Thus, the term Zamindar was of course eliminated instead of Zamindar as such. As a result, there was hardly any significant change in land relations and distribution pattern (Mishra, 1996P: 2; Singh & Mishra, 1964). Subsequently, Ceiling on Land Holding Act of 1960 was introduced to address the resultant lapses of ZALRA. But this Act was self-defeating in purpose, because of provisions of exemptions and other in-built loopholes. This Ceiling Act 1960 was further amended in 1971 and 1973, which provided enough time and opportunities for the landlords in killing the main spirit and objectives of land reform in Uttar Pradesh (Mishra, 1996: p.4).

First Backward Class Commission was set up on 29<sup>th</sup> January 1953 headed by Kaka Kalelkar. It submitted its report on March 30, 1955. This committee extensively recommended on land reforms and reorganization of rural economy. However, this report could not be placed for discussion before the Parliament. Another Backward Class Commission Report was submitted in 1980 headed by Sri B.N. Mundle. Meanwhile many committees were set up at the state level. Mangal Deo Visharad Committee was set up in UP in 1972 which submitted its report on Investigating Land System in 1974. In 1975 Most Backward Classes Commission was set up in U.P. headed by Sri Chedilal Sathi, which submitted its report in 1977. Among many other recommendations of Mandal Commission this Commission inter alia strongly recommended for effective land reforms to change production relations. Besides these, legislative measures regarding abolition of tenancy, distribution of ceiling surplus and Gram Samaj land, consolidation of holdings, etc., were taken up to address the problems of land reforms. Distribution of Gram Samaj patta land with implementing emphasis by the government is an added reinforcement. Moreover, in order to remove gender based discrimination in accessibility of land ownership a 'Committee for Gender Equality in Land Devolution in Tenurial Laws' 1998 was set up headed by Bina Agrawal which reviewed the gender inequality in land laws of five northern states (Haryana, Himachal Pradesh, Punjab, Jammu & Kashmir, and Uttar Pradesh).

State came into direct relation with the tenants after abolition of intermediary tenure. However, it proved mere change of nomenclature and there was hardly any substantial change in agrarian structure. To cover up this limitation Land Ceiling Act, 1960 was introduced with further modification in 1973 in order to acquire ceiling surplus land and redistribute among the land poor households. Another significant dimension of the UPZALRA, 1950 was the lease of the government land vested in the Gram Samaj (GS) for agriculture, fishery, poultry, plantation and residence. Thus, measures initiated by the government for redistribution of ceiling surplus and GS land for housing, cultivation, fishing, plantation, pottery, etc., are pointers to examine whether these initiatives have been instrumental towards improving capabilities through access to land resources.

## **II. Distribution of ceiling surplus and GS land and gaps in implementation**

Ceiling on Land Holding Act 1960 was introduced in Uttar Pradesh so that an upper limit of land holdings could be fixed and surplus land would be taken away from land surplus farmers for redistribution among land poor peasantry. A limit of 40 acres of land of fair quality was fixed for a family of five members subject to increase in land area up to 24 acres in case of additional family members. However, this Act exempted a few categories of land from ceiling on land holdings used for grove, industrial purposes, cattle shed, compost pits, thrashing floor, residential houses, cremation ground/graveyard area under plantation of rubber, tea, coffee, land with religious/charitable trusts, poultry and dairy farm, land covered farm roads, etc., (Mishra, 1996: 4). Cut off date for reference was fixed as May 1959. This Act was further amended in 1973 and the cut off date was fixed on 24<sup>th</sup>

July 1971. Under this amendment upper limit and exemption was reduced. Land areas under grove, used for poultry and dairy farm and farm roads were removed from exemption. Upper limit was brought down to 7.3 hectares in case of irrigated and from 10.95 to 18.25 hectares for un-irrigated land.

Process to acquire land declared ceiling surplus was initiated by the government but it was not smooth. Mangal Deo Visharad Committee observed that ambiguous provisions in land settlement were inevitably liable to be trapped in the coils of legal disputes. Many of them are still subjudiced and to be settled. Details of official records relating to these facts are shown in Table 1. Official data claimed that in 2003 about 91.6 per cent of land area declared surplus in Uttar Pradesh was under possession of the government. About 70 per cent of the declared ceiling surplus land was redistributed among the landless poor. About 7.9 per cent area were still sub-judiced. However, there was variation at the district level (Mishra & Diwakar 2005). Official data for 2008 revealed that about 3777 acres additional land were declared surplus. There was 0.26 per cent increase in the land area taken in possession during last four and half years. Judiciary could reduce pending cases merely by 0.21 per cent. Only 389 acres of land were taken in possession and 4963 acres of land could be distributed among the landless. About 53903 acres land were transferred either to other departments of the government or vested in Gaon Sabha. Thus, Land Revenue Board claimed that no ceiling surplus land was left for redistribution except subjudiced land.

**Table 1: Progress in Distribution of Ceiling Surplus Land (in Acres) in Uttar Pradesh**

Period	Land declared Ceiling surplus	Declared ceiling surplus land taken possession by the State	Subjudiced land stayed by the court order	Balance to be taken in possession	Allotted land area to the landless	Total area of settlement land*	Area balance for settlement
1	2	3	4	5	6	7	8
November 2003	365584	335074 (91.62)	28969 (7.89)	30391 (8.38)	259000 (70.09)	313569 (85.31)	21505 (6.34)
March 2008	369361	339359 (91.88)	28377 (7.68)	30002 (8.12)	263963 (71.46)	317866 (86.06)	Nil
Difference (%)	3777	4285 (0.26)	592 (0.21)	389 (0.26)	4963 (1.37)	4317 (1.25)	-

Source: Land Revenue Board, Government of U.P.

\* Excludes land transferred to other government departments and land vested in Gram Sabha.

Note: Figures in parenthesis indicate percentage of land declared ceiling surplus (col.3+col.5=100 per cent)

About 8.12 per cent of declared ceiling surplus could not be taken into possession. Reasons stated for non-possession by the state were stay orders of different courts on 28377 acres, 377 acres were engaged in the process of consolidation, 1248 acres were in the process of formal proceedings and 30002 acres were yet to be settled. About 21493 acres taken under possessions were not concluded for settlement because 15111 acres were in the purview of stay orders, 2693 acres were under joint investigation, 1142 aces were proposed to be vested in Gaon Sabha, 844 acres were

proposed to be transferred to other departments, 112 acres were in the process of consolidation, 466 acres were in unauthorised possession, omission of 986 acres in the process of consolidation and 189 acres for other reasons. Lands available for settlement were 317866 acres out of which about 185313 acres were allotted to SCs and 978 acres to STs and 77672 acres to other castes. Land vested in Gaon Sabha and other government departments were 53903 acres and thus nothing was left undistributed so far. However, about 5097 cases were pending on 98971 acres land on March 2008.

In normal prescribed procedure, Land Management Committee of the village panchayat, taking Gram Sabha into confidence, recommends the list of beneficiaries to the Sub Divisional Magistrate (SDM) through circle officer and the land is allotted to beneficiary by the SDM for different purposes. In Uttar Pradesh this scheme was launched in 1975-76 in order to improve economic condition of the SC/ST/ OBC and weaker section of the society. In this scheme under Article 198 of UPZALR Act, 1950 maximum 1.26 hectare area of cultivable land is leased out to the land poor households in the joint name of wife and husband. Under Article 126 there is also provision to include the name of adult unmarried daughter, divorced, deserted and widow. According to the availability of land annual targets are set. Land is also allotted for fishery, plantation, and pottery. Under Article 122(c), Circle Officer, SDM himself or on the proposal of Land Management Committee, allots land as on recorded order of preference mentioned in sub-article (3). For the households of SC/ST community in rural areas, 100-150 yards square area is given for residence purposes if she/he does not have own residential facility (Citizen Charter, Land Revenue Department, Government of U.P., pp.5-7).

Official details about distribution of ceiling surplus and GS land to the beneficiary in Uttar Pradesh since their inception to March 2008 are displayed in Table 2. Data revealed that about 39.72 lakh beneficiary allotted on an average 0.356 hectare land. Beneficiary of ceiling surplus land could get higher size of land area than that of beneficiary of GS land. As displayed in table 3 about 22.76 lakh beneficiaries were from SCs and 16.92 lakh from other castes. However, implementation particularly ensuring possession of allotted land to the beneficiary remains a matter of thorough investigation on the grounds.

**Table 2: Distribution of Ceiling Surplus and GS Land to the Beneficiary till March 2008 in UP**

Land Type	Total		Per Beneficiary Area Allotted
	No of Beneficiary	Area (Hectare)	
Ceiling Surplus*	289392	244523.6	0.844956
Gaon Sabha	3682795	1168496.3	0.317285
Total	3972187	1413019.9	0.355728

Source: NIC, Lucknow, Govt. of U.P.

\*Data relating to Etah, Allahabad, Ambedkarnagar and Auraiya were not available.

**Table 3: Distribution of Ceiling Surplus and GS Land until March 2008 in UP**

Land- Type	SCs		STs		Other Castes		Total		Av. Area per Beneficiary
	No	Area	No	Area	No	Area	No	Area	
Ceiling Surplus	199453	168443.3	505	985.4	89434	75094.86	289392	244523.6	0.845
Gaon Sabha	2076874	643513.6	3059	1886.11	1602775	522941.5	3682795	1168496.3	0.317
Total	2276327	811956.9	3564	2871.51	1692209	598036.4	3972187	1413019.9	0.356
Av. Area	0.357		0.806		0.353		0.356		

Source: NIC, Lucknow, Government of U.P.

### Gaps in implementation

A recent study of 1126 households spread in ten sample villages from ten blocks of five districts namely, Gorakhpur, Chandauli, Rae Bareli, Muzaffarnagar and Hamirpur, suggests that there were significant gaps in allotted and possession of ceiling surplus, GS and residential land. In case of redistribution of ceiling surplus land percentage of non – possession was as high as 52 per cent mainly because of being unauthorised illegal possessions by big farmers. In case of GS land this gap was found 27 per cent, because of unauthorised control over land by influential persons. Besides land being in the control and parcels of influential persons other reasons for non-possession stated by the households were indifference of administration, manipulative biases of pradhan and lekhpal, lack of resources in the pockets of poor peasants to bribe them, lack of consolidated resistance, etc. Cases encountered were of even medium-cum-big farm holdings, who could manage land allotment. This indicates procedural lapses in identifying beneficiaries. (Mishra and Diwakar, 2005: ch. iv).

Despite explicit mechanism of distribution, procedure adopted for distribution of land had many distortions. Findings revealed that the Committee existed in villages but hardly known to everybody. Only 30 per cent of the beneficiary households knew about the committee in existence. Procedure adopted for recommendation and preparation of a list of beneficiary were very flexible. Generally, it was done by the Lekhpal and Village Pradhan in consultation with other a few influential persons of village. This made the process complicated and at the will of these persons in the helm of affairs. In this process the beneficiary had to run pillar to post to get the land allotted, at the cost of his wage employment and he was forced to borrow from the moneylender to bribe the Lekhpal and Pradhan. Findings also suggest that about 9.1 per cent households of beneficiary admitted that they had lost their man days. About 15 per cent were trapped in a money-lending usury network. Moreover articulated villagers explained that at the time of consolidation individual land was consolidated but the land of Gram Sabha and Government in the patches of consolidated area of the big landholders remained scattered and fragmented. Therefore, even if those patches of land were allotted to poor households it was difficult to take possessions of the land. This was one of the significant disincentives to the potential beneficiary to persuade Lekhpal and Pradhan to allot such land.

### III Land redistribution towards capacity building of rural poor

Abolition of intermediary tenurial system, although, was one of the major institutional reforms, there is hardly any disagreement that desired goal of effective land reforms could not be achieved. However, in select pockets where peasant mobilization was effective, land reforms could better be implemented. Access to land resources could improve productivity of the households and liberated tenants from illegal exaction, non-market coercion and bondage. Kerala and West Bengal could witness encouraging results. Kerala could protect civil, political and substantive freedom through egalitarian land

reforms (Bagchi, 2001). Operation Barga in West Bengal could improve the status of sharecropper and redistribution of land resulted into higher level of productivity and growth (Sanyal, Biswas and Bardha, 1998; Gohh, 1998). This led to better participation in education, health and development.

In Uttar Pradesh also, land reforms created space for economic security, reduced landlessness, and generated income despite several lapses and shortcomings in implementation. We considered income, employment, GS land, net operated area, workforce, level of literacy, health status and schooling of girl child for this purpose. We attempted to discuss the role of land redistribution towards fulfilling basic needs and promoting human capital resources taking distribution of ceiling surplus land and GS land into account. Interesting results emerged from the study of the beneficiary and non-beneficiary household survey of sample villages. In case of redistribution of land for residential purposes suggested that there was indication of liberation of poor specially scheduled castes from bondage as they could acquire their ownership of homestead land. As a result their position in society was elevated when they could construct their houses and to a certain extent they could enjoy comfortable living. Redistribution of land for cultivation is another dimension where tangible benefits were reported. Data suggested that about 28 per cent of the households were the beneficiary of cultivable land in sample villages and majority of them were from SCs followed by OBCs. Findings suggested that production of food grains of the beneficiary households increased which made them comfortable at food front.

Their dependence for borrowing from moneylenders was reduced. Since, they could afford collateral security for getting credit from public financial institution access became relatively easier than earlier situation. They started rearing cattle to supplement their income and initiated other income generating activities. Cumulative results of all these stated above placed the households with better income level. However, this can be examined further with detailed study of the economics of cultivation and other income generating activities of the households. It was also found that there was gap in the beneficiary households and the households reporting benefits from redistribution of cultivable land which indicated that mere distribution of land was not sufficient condition to pull out the households from the quagmire of poverty. However, it revealed that land ensured access to other benefits necessary for the households.

Another dimension of benefits could be examined in this context was from the point of social development. A few indicators were selected to understand the potential benefits of social development emanating from redistribution of land. Health and schooling were two major areas where responses were very encouraging. It was found that health status of their children improved as now they could afford better food to their children than earlier. It was consistent that SCs remained larger beneficiary of health followed by OBCs. They could afford proper clothing. Besides health, they could send their children to school as now they could afford initial cost of food, clothes and basic materials required for. Most significant was the impacts on schooling of girl child. Thus, basic indicators of social development such as health and education displayed significant impacts which beneficiary and non-beneficiary households acknowledged. Land is basis in transformation of rural society. As we observed that land redistribution although with limited results was of instrumental importance to generate employment and income in order to have access to the resources for basic minimum needs and better quality of life.

#### **IV Challenges of unfinished agenda and Insider voice**

Although Zamindari Abolition Act and other Acts related to ceiling surplus land were promulgated but in every stage there was enough time lag to allow the land owning intermediary either to legalise or manipulate the ownership status of land. Concealment of land through large scale manipulation could reduce the amount of land substantially. At the national level Mahalanobis Committee estimated about 63 million acre land as surplus land adopting 20 acres per household in 1967. In 1970 government estimated 40 million acres. NSSO in 26<sup>th</sup> round estimated 12.2 million acres and only 7.33 million acres were

declared surplus. Mangal Deo Visharad Committee pointed out strongly about the manipulative exemptions and fake transfers of large farms, in the name of joint farms, religious trust, gaushala, stud farms, cooperatives, sugar mills, etc., and recommended for acquisition of concealed surplus land in UP. The committee could identify 275 cases of such fake transfers ranging from 50 acres to 2456 acres (GoUP, 1975 appendix 19). However, this was not realised by any government irrespective of ideological sheds. Therefore, the challenge of acquiring surplus land has compounded with the elapsing time. Even after Bahujan Samaj Party (BSP) usurping to power in Uttar Pradesh, government tried to sensitize bureaucracy for effective implementation in 2002, but the campaign lost its steam in the middle itself. In order to comply the pressure, implementation record was manipulated, as we could encounter in the field. There was apparently general reluctance from the side of land owning allies of bureaucracy. This was because of over presence of land owning social groups and class in the bureaucracy. It appears that despite apparent willingness to some extent BSP had compromised with ruling allies against the interest of rural poor. Since the bureaucratic structure is over represented by the anti-poor elements, it was difficult for BSP government to sideline the anti-poor interest to retain power seat.

Emergence of stronger BSP in majority this time it was expected to work on surplus land misappropriated through fake transfers already identified by the Visharad Committee. It is yet to be proved that new edition of BSP with sarvajan overtone could continue with aggressive land reforms agenda in favour of poor. History suggests that social mobilization has been creating compelling situation for the ruling class in order to contend the resentment of the peasantry. Ruling class has been trying its best to convert the effects of mobilization in terms of land reforms from above and U.P. has not been an exception in this context. Therefore, unless superstructure is radically transformed it is difficult to enforce effective implementation. Although there is enough evidence that redistribution of land to the tiller has enormous potential to transform the quality of life of rural poor and contribute significantly towards fulfilling basic needs promoting human development, non-compromising political will is the first and foremost essential condition.

Unfortunately, agrarian reforms were reduced to simple agenda of redistribution of land instead of changing property relations and gradually it was pushed to back seat and even redistribution could not be realised. Many of us may be satisfied with the arguments of subdivision and fragmentation of land and thereby smaller holdings and may also question the relevance of land reforms as such. But we should also bear in mind that natural attrition has hardly reduced land control rather it was instrumental in expanding their opportunity to enter in secondary and tertiary sectors on the basis of land resources and absentee land ownership still continues. By and large basic agenda of land to the tillers remained unaddressed and pushed to back seat after liberalisation. Since earning opportunity of the rural poor is constrained in the emerging skilled labour market, land will remain important source of livelihood for poor masses. Moreover, as State has summarily failed to address effective land reforms for providing opportunities of livelihood to the direct producers of the land, radical movement grew and widened its base of struggle across the regions and states. With the growing pace of liberalisation and corporate farming pressure on land is bound to increase which might aggravate land struggle with greater intensity which may lead to worse kind of rural violence.

#### *Insider Voice*

An attempt was made to consolidate insider voice regarding their expectations about effective land reforms for feed back of the policy makers as follows:

There is need of ensuring effective possession of redistributed land through direct accountability of concerned functionaries. Undistributed scattered land parcels should be consolidated and redistributed through co-operative ownership. Poor peasants co-operative should be formed and follow up packages, access to credit, etc. should be rooted through co-operative. Pending cases on sub-judiced land should be disposed off on the priority basis and a separate special legal committee should be constituted for technical

support of the poor peasants. Poor peasant committee should be provided legal support to identify *benami* transfer of land. The *benami* land should be declared surplus and those surplus lands should be redistributed among poor households on the recommendation of poor peasant land management committee. Wasteland should be acquired and transferred to landless through their co-operative ownership and follow up assistance should be rooted through co-operative in reference. Assured irrigation co-operatives of landless peasants should be formed to provide irrigation on distributed and other lands. Effective insurance cover on crops should be extended through micro-finance co-operative of land beneficiaries. Ban on individual purchase of redistributed land should be executed effectively. A provision for direct institutional loan on land should be extended to the beneficiary of land directly on producing kisan passbook. Subsidised inputs should be provided to the beneficiaries of land. Indifference and negligence in implementation of land redistribution and possession by functionaries should be treated as cognisable non-bailable offence. Administration and Policy implementing agencies should be made accountable directly for non-possession and should be punished in terms of career of service. Best implementing functionaries should be given incentives. Minimum wages should be implemented effectively. Poor households should be organised and proper support should be extended to safeguard the interest of the beneficiary of land. Participation of poor in co-operatives, PRI and land management committee should be ensured. Illegal possessions of redistributed land by influential persons should be liberated on priority basis. Pro-poor social activists should be involved in organizing poor. PRI should be empowered to form women co-operatives and Functional Education Groups. Technical support should be ensured to promote women participation. Land Records should be computerized, updated and easy access to the records should be ensured for information. Above all unless poor friendly environment is ensured any amount of attempts or initiatives with pious intention can hardly make substantial dent towards capacity building of the rural poor on sustainable basis.

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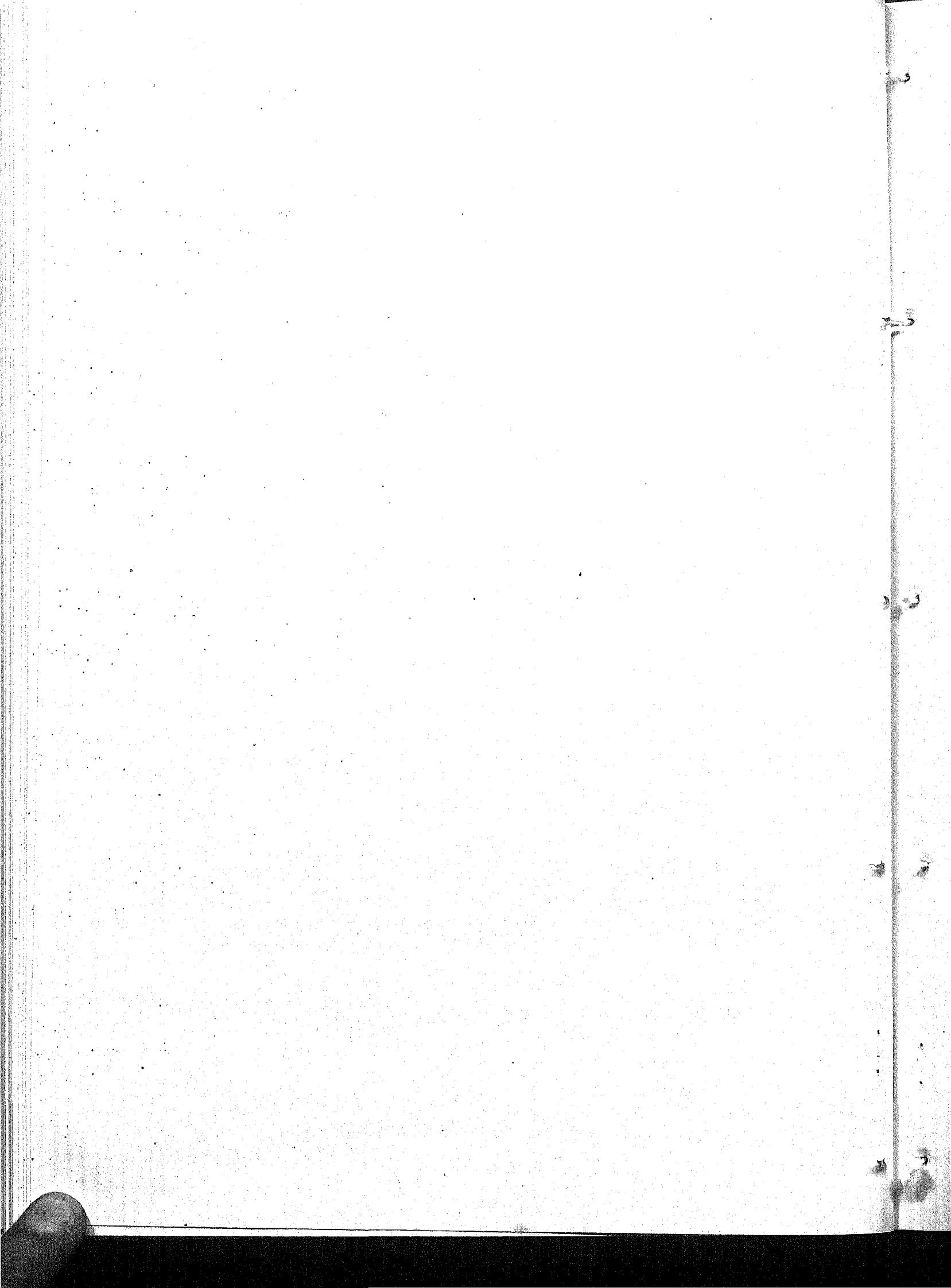
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## **Special Economic Zones & Impacts on Land Resources and Socio-Economic Implications**

**T.N. Dhar**

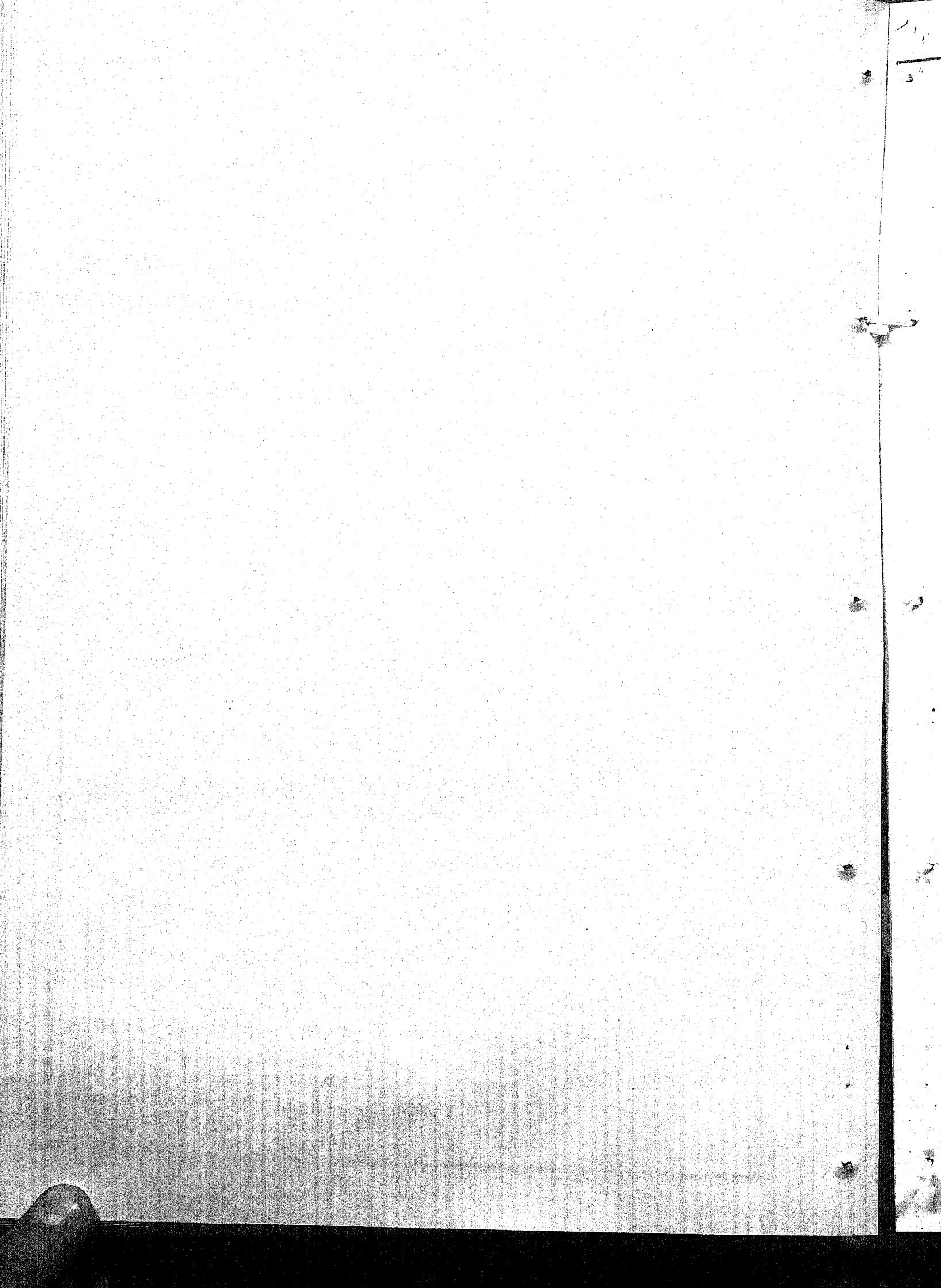
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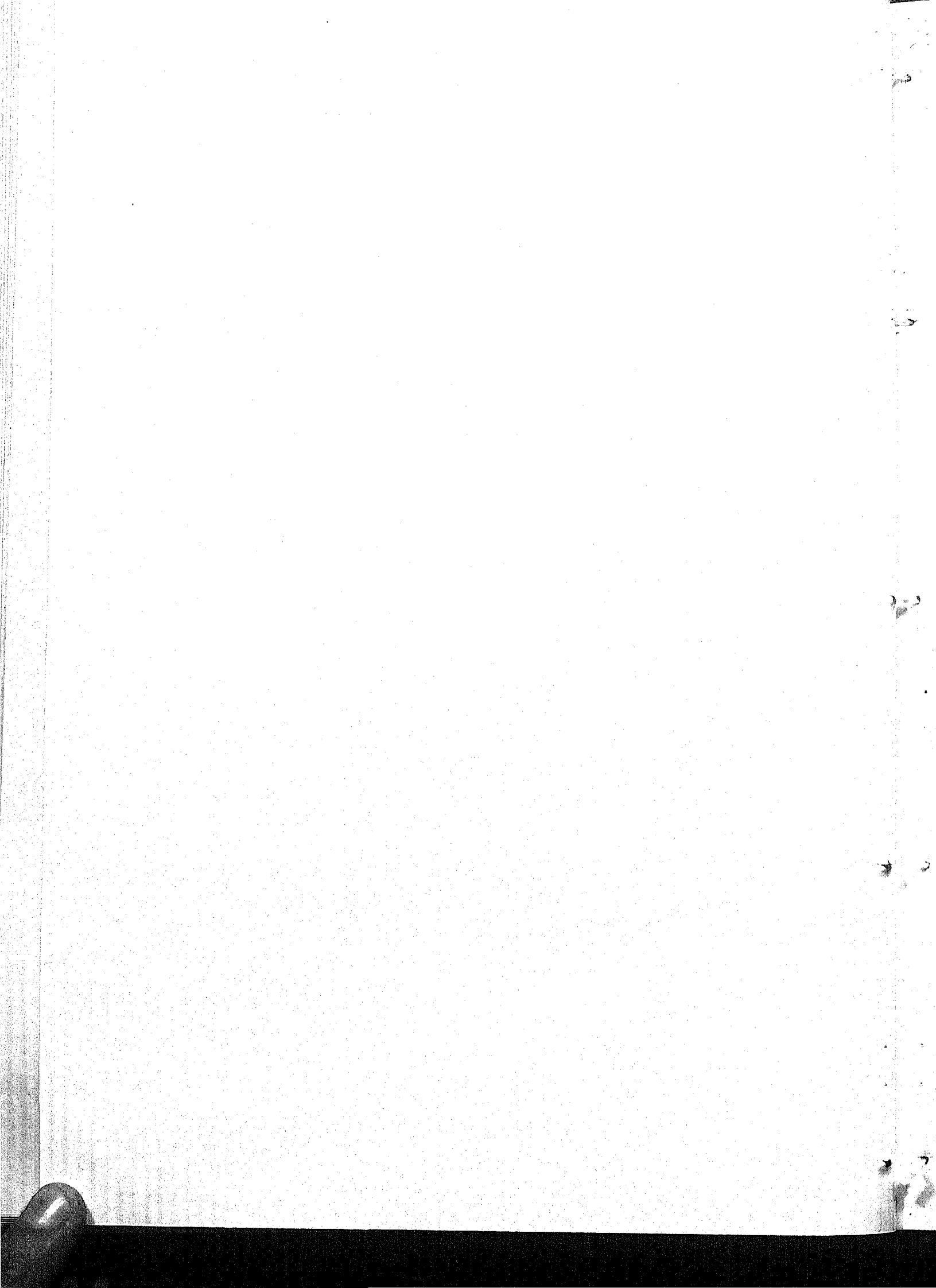
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## Special Economic Zones & Impacts on Land Resources and Socio-Economic Implications

T.N. Dhar  
President,  
SHERPA.

1. In India nearly 60% of its people depend on land for livelihood and for U.P. this percentage is over 77%. That is true and it is also true that land alone (namely, agriculture and its allied sectors) can not provide employment and incomes to the massive labour force of the State. Economic diversification has to occur and that, among other things implies shifting people from agriculture to industrial, commercial and services- related activities. At the same time it is axiomatic that food security has to be ensured while carefully choosing development strategies.
2. The geographical area of our country is around 329 million ha (reporting area being 307 mha). About 45% of land is under cultivation (133 mha). Land man ratio is adverse and worsening. In 1951 only a little over 3% of land was being utilized for non-agricultural purposes. By 2002-05 this percentage had gone upto to nearly 8%. Nationally per cap availability of all types of land is only 0.28ha and falling.
3. The land profile of U.P. is more difficult in availability and pressure terms. Reporting area in U.P. is 242 lakh ha. Of this 26 lakh ha (10.5%) is used for non-agricultural purposes. If we look at the land use data from 2000-01 (after U.P.'s bifurcation) some disturbing facts come to light. Between 2001-02 and 2004-05, the net cultivated area has fallen from 168.12 lakh ha to 166.83 ha. Land used for non-agricultural purposes had increased from 25.14 lakh ha to 26.48 ha at the rate of about 35000 ha per year. In the same period productivity of rice fell from 21.17 qtl/ha to 19.96qtl/ha and that of wheat from 27.55 qtl/ha to 25.86qtl/ha. Similar productivity falls were recorded in case of maize and barley. Even potato productivity recorded a decrease. Pressure on land in U.P. is severe. Per capita land availability has fallen from 0.47 ha in 1951 to about 0.13ha now. Diversion of agricultural land for non-agricultural purposes has obviously occurred due to rapid growth of population, urbanization, creation of industrial areas, road and canal construction and diversion of land for several other competitive non- agricultural uses. This diversion is increasing year by year, and what is of deep concern is that most of such diversion constitutes prime agricultural lands – irrigated, multicropped and comparatively more productive. Horizontal growth of cities and towns is taking away prized agricultural lands. And what makes the problem much more disturbing is that deterioration of existing agricultural lands continues. Land fertility is in jeopardy. Unless soil health is restored and preserved food security will remain a distant illusion. The IFFCO has recently said that land- fertilizer ratio was 19 to 1 in 1971 and it has now gone down to 1.3 to 1. We



also have over 4 million ha of degraded and wastelands waiting to be recovered. One other factor has to be taken into account in respect of Uttar Pradesh and that is the land holding pattern. Nearly 77% of holdings are below one ha and another 14% between 1-2 ha. So, we have over 90% of farmers who are small and marginal. When land diversions take place it is these categories of farmers who are dislocated, lose livelihood and suffer trauma. This is one side of the picture. The other side is urbanisation and industrialization are essential for creating jobs and incomes which land alone can just not do. So, there is need for striking a fine balance so that a 'clash' situation does not evolve and the very process of a carefully regulated diversion process is targeted to create enough incomes and work opportunities for those who lose land and for others, too. The challenge is to work out a 'modus vivendi' in a constructive complementarity.

#### 4. Land & SEZs

" Land differs from other elements of production, labour and capital, in not being susceptible to infinite increase". J. Stuart Mill (Principles & Political Economy, 1848)

At present nearly 46% land in India is under agriculture; Between 1990 & 2003 net sown area dwindled by about 1.5% i.e. 21 lakh ha which can produce 5.7 mill. tonnes of wheat that can feed about 43 million people each year. Between 1990- 2004, 32 lakh ha of land has got diverted to non- agricultural uses. Culterable wasteland area has declined by 18 lakh ha in 1990- 2004 period.

George Bush addressing "National Future Farmers of America Organisation" on 27.07.01 said :

" It is important for our nation to be able to grow foodstuffs to feed our people. Can you imagine a country that was unable to grow enough food to feed the people? It would be a nation that would be subject to international pressure. It would be a nation at risk. And so, when we are talking about American agriculture, we are really talking about a national security issue".

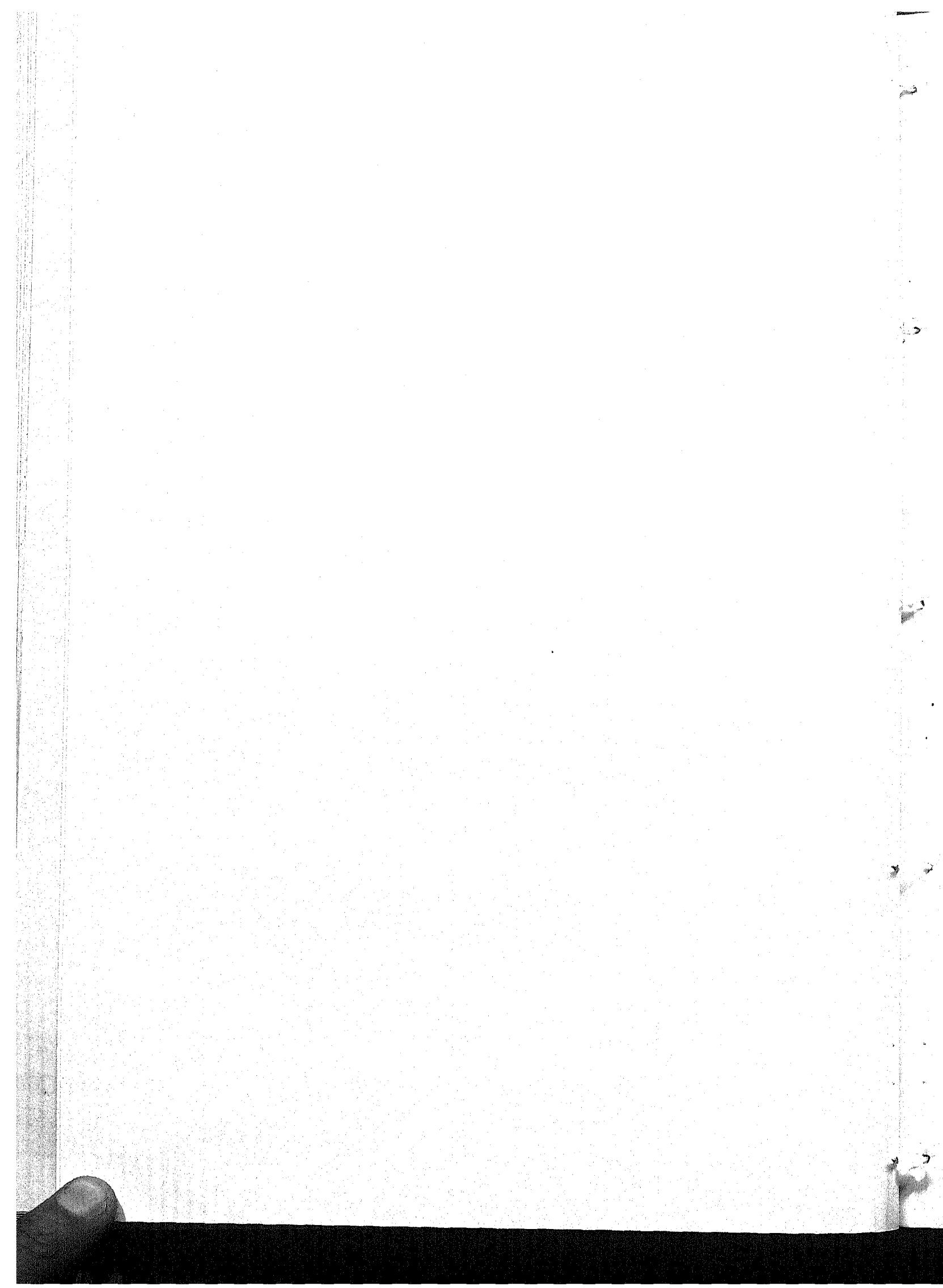
#### 5. Factfile on SEZs – Some Highlights

##### India

1965: 1st EPZ (Export Processing Zone) in Kandla, Gujarat & 8 others followed in the State till 2004 (before South Korea & Taiwan),  
 2004: Gujarat first State to pass SEZ legislation,  
 2005: Central SEZ law enacted in June, 2005 & SEZ rules followed in Feby, 2006.

##### World

EPZs were set up in world over in the last five decades. These are at present nearly 3500 SEZs/ EPZs globally,



Taiwan (1966)  
 South Korea (1970s)

Sri Lanka (1980s)

China (1980) (World's largest SEZ)

SHENZEN,  
 34000 ha;

Annual exports 35 billion USD)

Central/ South America (1980s)

Mexico (1980s)

China (Small & large Zones sprouted. Their number

6000-7000 and area covered 15000 Sq Km.

Formally China has 165 SEZs where 43,360 companies operate.

China's Export Earning from SEZs is 145 Billion USD  
 Hong Kong's Earning from SEZs is 101 Billion USD  
 Korea Earning from SEZs is 30 Billion USD  
 Ireland Earning from SEZs is 85 Billion USD  
 Central/ Eastern Europe: 400 zones  
 USA has > 713 EPZs

## 6. Present Situation

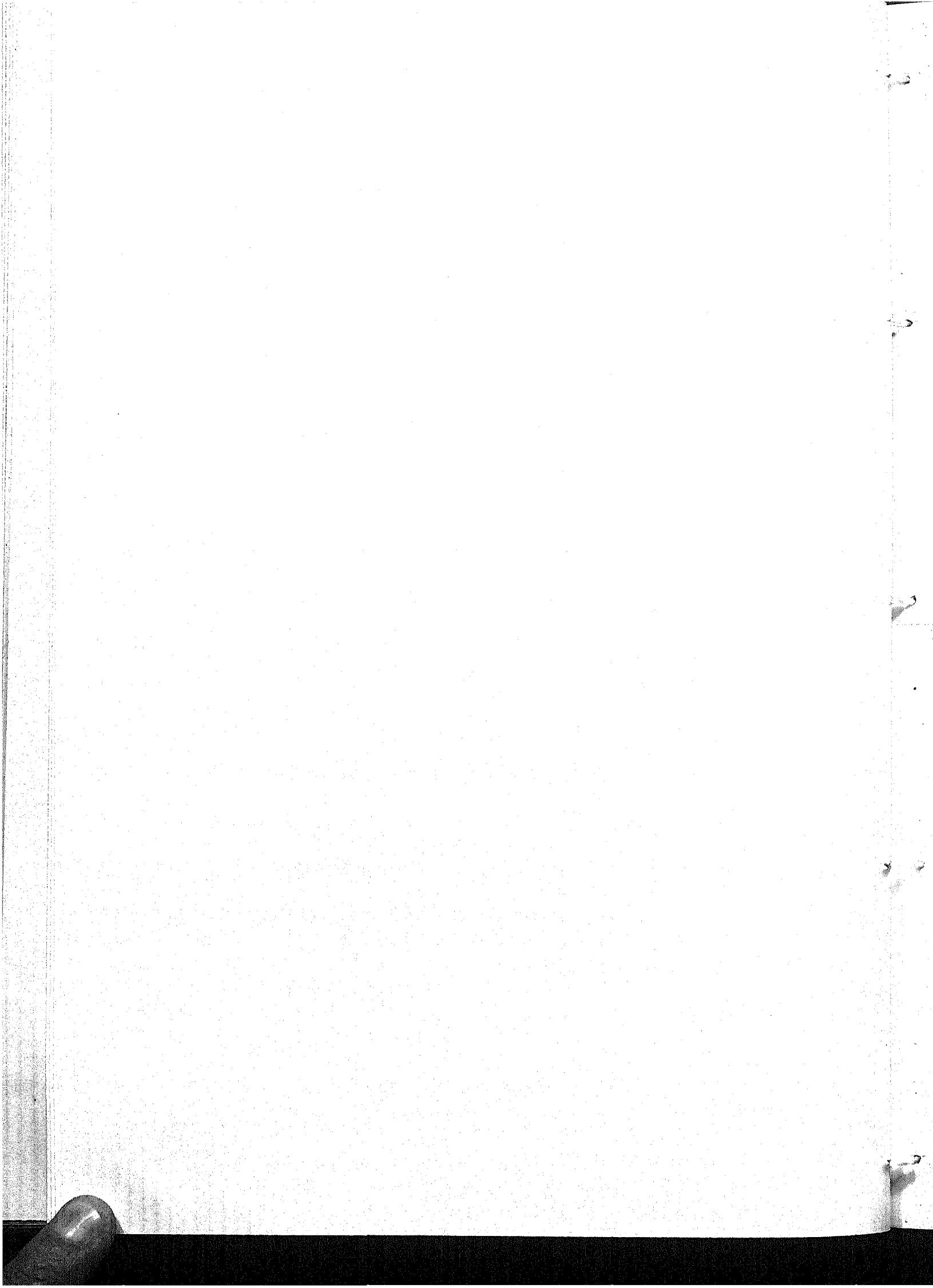
As of 30/11/07, according to Union Commerce Ministry, the SEZ situation was as follows :

(a) SEZs functional before SEZ Act of 2005	19
(b) SEZs notified after 2005 Act	172
(c) Formally approved SEZs	404
(d) SEZs with in-principle approvals	165
 Total	760 [ See Annexure]

Total land area required for above SEZs across 20 States is expected to be 2,00,000 ha and the land to be used in said to be mainly agricultural, multi-cropped land.

## 7. Typical Criticism

- Fertile lands are diverted to SEZs. This would endanger food security,
- SEZ area limit is 5000 ha; Some talk of enhancing this limit has been heard,
- SEZs are in danger of becoming islands of corporate sovereign entities,
- Exports benefits have not been commensurate with revenue losses,
- Such Zones are dominated by international capital,
- SEZ generation of employment is limited at around 2 lakh jobs,
- Many Indian laws do not apply (for example labour laws),
- Already spate of public protests is to be seen eg. (see below) \* ,
- SEZs threaten lives and livelihoods in the countryside,
- Many of SEZs are becoming real estate concentrations,



- The CAG Audit has shown sales within country have been claimed as export sales by some SEZs which is wrong,
- The recent parliamentary debate (Rajya Sabha (12/03/08) has reflected severe criticism of SEZs with allegation that cinemas and amusement parks are coming up in SEZ locations and these are becoming hubs for real estate businesses.

## 8. Protests

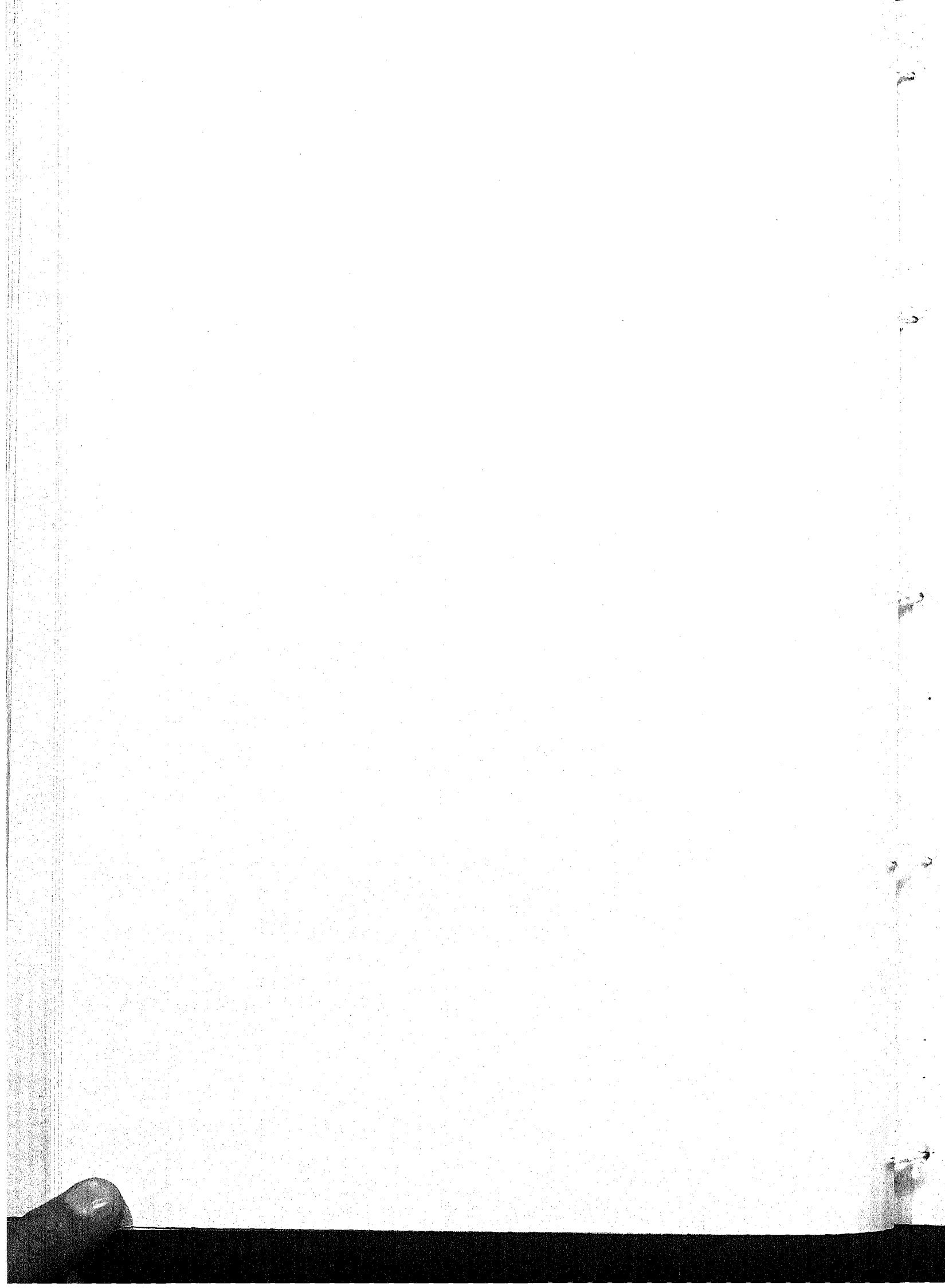
- \* (a) Nandigram in West Bengal (2007):  
  - : Agitation,
  - : 14 deaths.
  - : proposed SEZ to be relocated
- (b) Goa Strong public resistance. All SEZs scrapped by State Govt. on 31.12.07 (15 SEZs in Goa have been termed as over kill)
- (c) Karnataka Nandagudi 2007 (12000 ha + SEZ, Farmers are resisting)
- (d) Karnataka, Mangalore 2007 ( 2000ha + SEZ- 4 village affected farmers' resistance, Oct' 07)
- (e) Orissa Jagatsingpur 2007 (Pohand Steel Project- 22000 villagers to be affected. Farmers resisting)

## 9. Some Contrary Examples (Creating Stakes)

- 1500 farmers of AVASARI KHURD (Tehsil Ambegaon, Pune) have decided to set up the first Farmers' SEZ.
- Magarpatta City in Pune District came up because 120 families from the village decided collectively to develop the land into an integrated township. Original owners continue to receive income generated by the township.

## 10. Need for SEZs

- Top class infrastructure cannot be created throughout the country. Without that investors will not come. So special zones are required.
- EPZs have been there for decades. They get tax concessions but first they pay taxes and then get refunds after establishing proof of exports. In case of SEZs tax exemptions are given ab-initio.
- 70% of rural population and the work force in rural areas just cannot find employment. They have to move to industry/ services. That needs world class infrastructure and latest technologies to

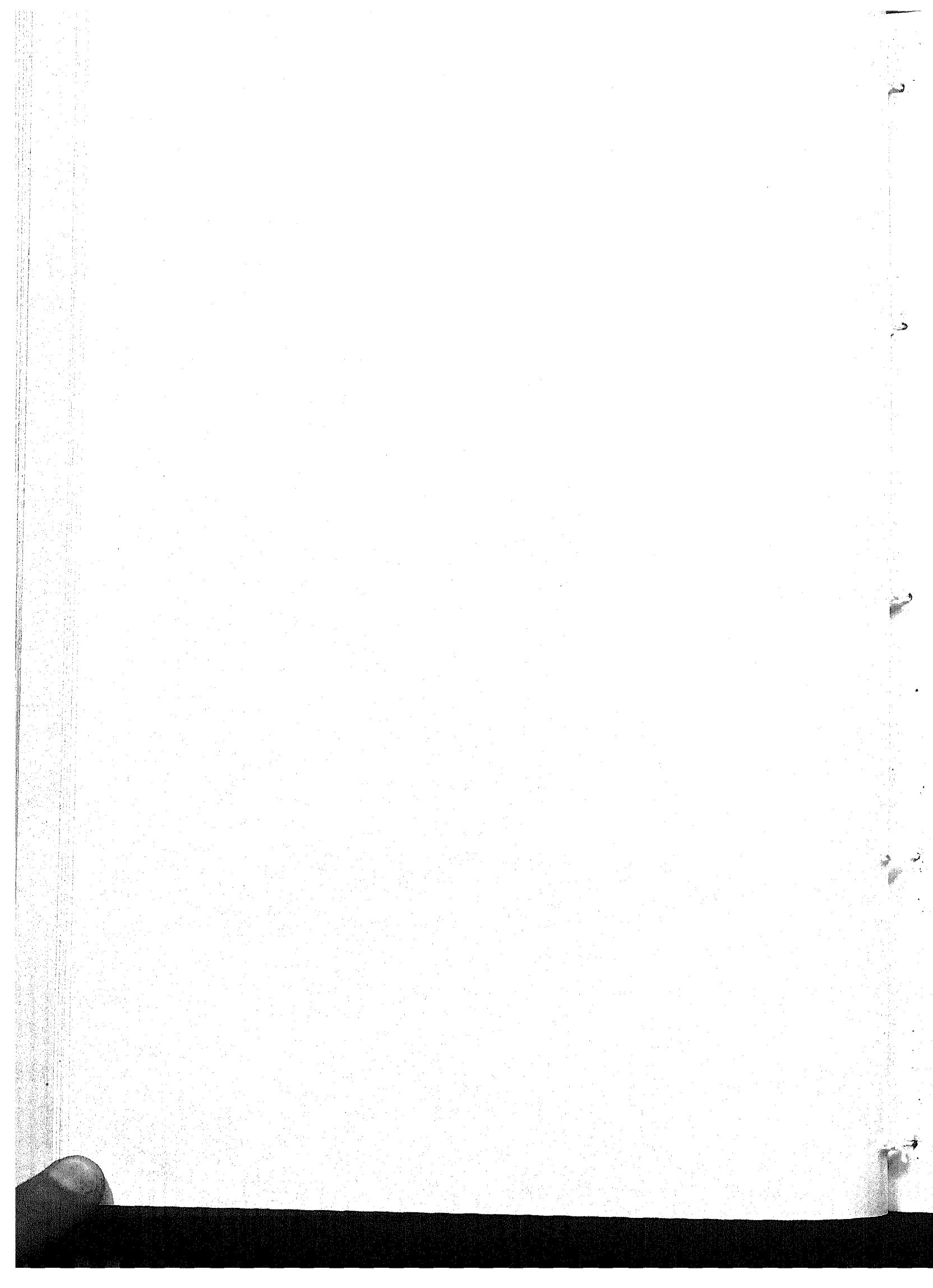


attract investments. Hence the need for diversification & formation of special zones.

- SEZs can be regulated so that their nature as simply high value real estate locations does not emerge.
- SEZs provide both direct as well as indirect employment.

## 11. Responses to Public Protests : (Responses available and those needed)

- (i) The SEZ Bill was prepared in 2004 and put on internet for suggestions. 1400 suggestions were received. Open houses were held and law finalized thereafter.
- (ii) ILO has suggested that a tripartite body consisting of representatives of the government, management and workers be formed to monitor the working of SEZs. Each SEZ should provide all basic amenities like housing, hospitals, schools for workers & their families. Financial incentives and tax exemptions be extended only to those companies which abide by their social obligations and contribute to local development by using locally available raw materials and by transfers of technology.
- (iii) New National Rehab and Resettlement Policy (October 2007)  
NRRP (07) revised the earlier 03 policy. Its main features are:
  - (a) Striking a balance between economic development and interests of land owners.
  - (b) Developer will have to acquire 70% land himself at market price. Only 30% can be acquired by the Govt. (and that, too and after 70% has been acquired by the developer), under the Land Acquisition Act.
  - (c) There will be a clear mechanism of price determination for acquiring land (related to sale deeds in the area). In addition govt. will have to pay solatium of 60% of market rate in normal circumstances and 75% when land is acquired under emergency powers.
  - (d) Livelihoods issues will have to be addressed : A job will be offered to one member of all nuclear families. Not only land owners but those dependent on such land will be provided livelihood.
  - (e) Land for land : In some cases part of the land will have to be returned to the owners. A farmer's co-op in the area can pool such land into an SPV or joint venture with the developer and in return acquire equity stake in the project.
  - (f) Gram Sabha consent will be necessary for developers to prevent acquisition by stealth.
  - (g) If land is not developed in 5 years it will revert back to government. This will deter speculation.



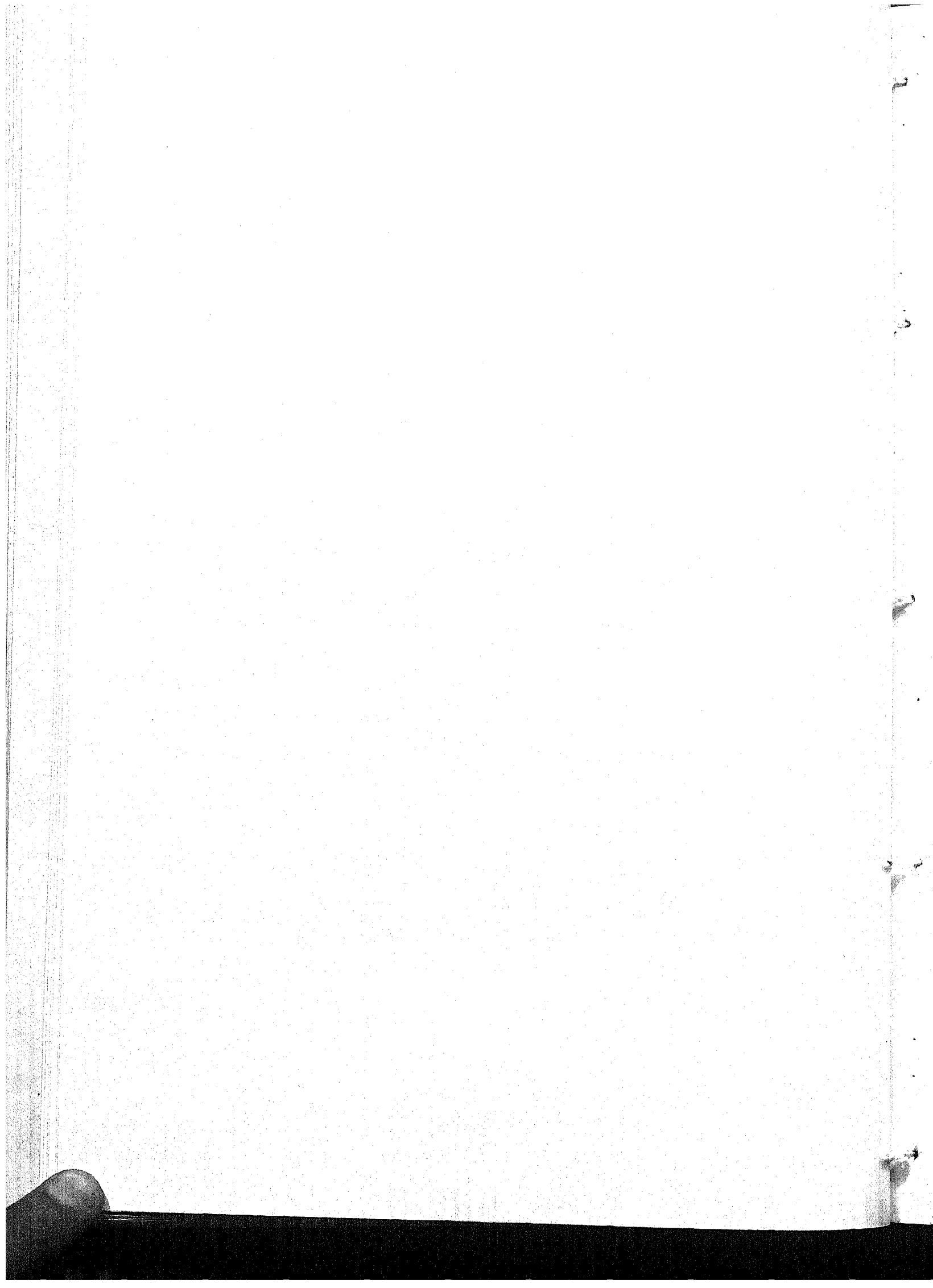
(h) It is proposed to amend the Land Acquisition Act to incorporate NPPR (07) obligations making them binding on all government land acquisition.

## 12. Land Acquisition Act

It is a central law of 1894 which under the principle of "eminent domain" allows state to over-ride private property rights in land in the "public interest". This law was amended in 1984 which included acquisition for companies to fall within the ambit of "public interest". This aspect needs reformulation so that, while the economy is allowed to grow the interests of land owners are protected, livelihoods are not lost and distressful dislocations do not occur.

## 13. Main Features of the SEZ-05 Act

- (a) A Special Economic Zone may be set up by GOI or State Govt or any other person jointly or severally for,
  - (i) manufacture of goods
  - (ii) for rendering services or both
  - (iii) or as a Free Trade & Warehousing Zone
- (b) Proposal to be sent to State Govt. concerned or directly to Central Board of Approvals. If Board approves, concurrence of the concerned State would still have to be obtained.
- (c) Minimum area for SEZ can be prescribed plus terms/ conditions for the developer. One or more than developer can be assigned a SEZ.
- (d) Guiding Considerations
  - \* Additional economic activity,
  - \* Promotions of export of goods & services,
  - \* Promotion of FDI and indigenous investment,
  - \* Creation of employment opportunities,
  - \* Development of infrastructure facilities,
  - \* Maintenance of the sovereignty & integrity of India, security of the State & friendly relations with foreign countries.
- (e) SEZs to have
  - (a) Processing areas
  - (b) Areas for trading & warehousing
  - (c) Non-processing areas
- (f) Exemption from taxes, duties or cesses: exemption from customs excise, service tax, cesses, security transactions tax, stamp duty and Central Sales Tax; draw- back allowed, for all of



which duration will be prescribed.

- (g) SEZ Authority Development Commissioner to be appointed.
- (h) The Act (Sections 49 & 51) confers power on Central Govt. to modify provisions of the Act (barring Sections 54 & 56) or other enactments in relation to SEZ. Sec 51 say SEZ Act will have over- riding effect over other laws.
- (i) Under Sec: 27 many provisions of the Income Tax Act have also be modified for SEZs (changes listed in Schedule- II (e.g. 100% export profits out of tax net for interests 5 yrs and 50% for next five years) Schedule- II is a long one & printed on 11 pages while the main Act is printed on 39 typed A-4 size pages.
- (j) SEZs have been declared a public utilities under the Industrial Disputes Act.
- (k) Tax deductions are allowed on all profits from developing SEZs for any 10 consecutive years out of 15 from the date of notifying of the SEZ.
- (l) No Dividend Distribution Tax to be paid.
- (m) Exemption from Minimum Alternate Tax (MAT) w.e.f. 1.4.05.

The above listing is indicative.

**14. Food Security** is an important issue but danger to it is somewhat exaggerated. Industrialisation has to take place. The point is economising on land requirements to the extent possible.

India has about 13 crore hectares of land area under cultivation. Average productivity of food crops various between 2 to 2.5 tonnes/ ha. If it is enhanced even by 10% we could have 20 million tonnes of additional food grains and food will not be problem. To ensure that must indeed be the top priority.

It is said 2 lakh ha of land will be required if all SEZs approved now would become functional. That is  $1/650^{\text{th}}$  of the total cultivated area.

**15. SEZs should not become REZs (Real Estate Zones)**

**16. CAMPA arrangement**

If trees are to be cut, double their number has to be planted by the project proposer. Similar approach can be adopted for diversion of agricultural lands for SEZs. In addition to R&R provisions of new NRR Policy – 07, compensatory recovery of degraded lands should be prescribed. A dedicated fund and agency would be required to implement degraded/ wasteland recovery according to its land capability.



17. Regulatory Authority (Extra- House & not In- house) should be established with adequate statutory and penal powers to ensure that the basic objectives of SEZ are achieved and interests of farmers/ land owners are fully protected.

#### 18. Situation in U.P.

The U.P. Government, after the central SEZ law of 2005 came into operation, issued an amended UP- SEZ policy in 2007 in two parts. Part A relates to fiscal incentives, facilities, rationalisation of procedure and the setting up of an Empowered Committee under Chief Secretary's Chairmanship. Part B is concerned with the system of selecting developers, arrangement of land and its uses, resolving of land use change issues, lay out and building plan approvals, PPP arrangements, performance guarantees, the scope of the Development Rights Agreement, etc. Emphasis is on an investor- friendly approach, single window clearance systems, state tax exemptions, easier inspections and single line administrative arrangements for each SEZ. The amended policy is of a very recent origin. It remains to be seen how effectively and efficiently it is administered while balancing the interests of both land owners and investors.

U.P. has not yet made any noticeable headway in the setting up of SEZs. Some beginning was made in this direction in December, 07 when the State Government recommended to GOI to allow 8 IT/ ITES SEZs (7 in Noida/ Ghaziabad and one in Lucknow). A very recent press report (TOI- Lkw-12/03/08) says the Empowered Committee under the Chairmanship of the Chief Secretary gave its endorsement to 6 more proposals:

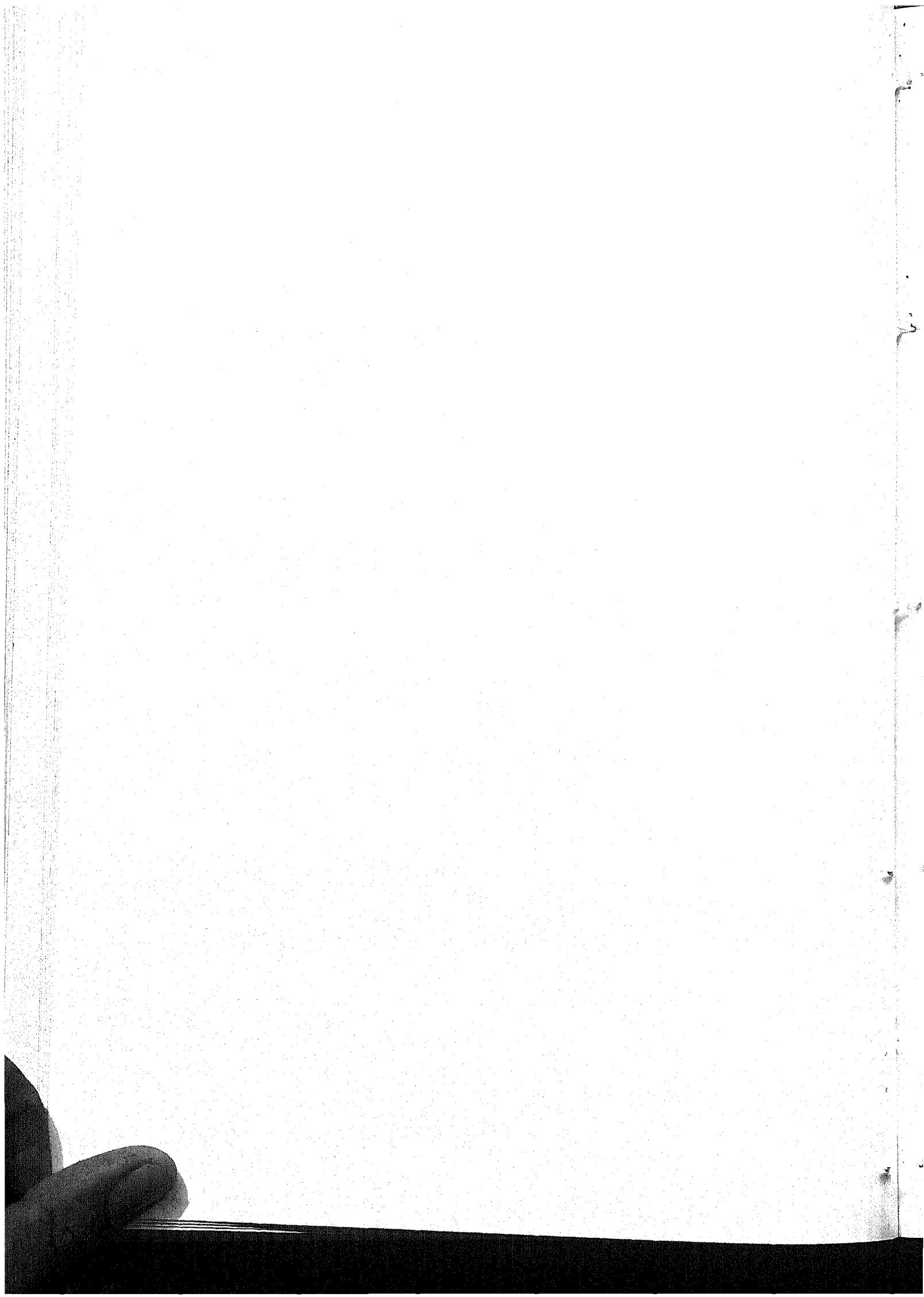
- (a) Ansals at Lucknow,
- (b) IVR Prime, Golden Tower and Max Infotech at Noida,
- (c) Proto- Developers at Varanasi.

According to information available, so far, 8 SEZs in UP have been notified by the GOI and, in another 15 cases, approvals have been given. The land required for all these is only around 1000-1200 ha. Single product SEZs need 250 ha of land and multi-product ones 1000 ha. IT based SEZs need only 25 ha.

It is not at present clear how much land would be required for SEZs, say during the 11<sup>th</sup> Plan. If U.P. is to industrialise it will have to go in for manufacturing and business (trading, warehousing, displaying, etc.) development in a highly competitive environment. For that purpose exports would be an important area of development.

#### 19. Path Ahead

A multifold strategy is called for in U.P. First we need to protect land, specially productive and multi- cropped land as far as possible. Secondly, since some diversion will be inevitable, there must be a concerted and vigorous drive to recover degraded/



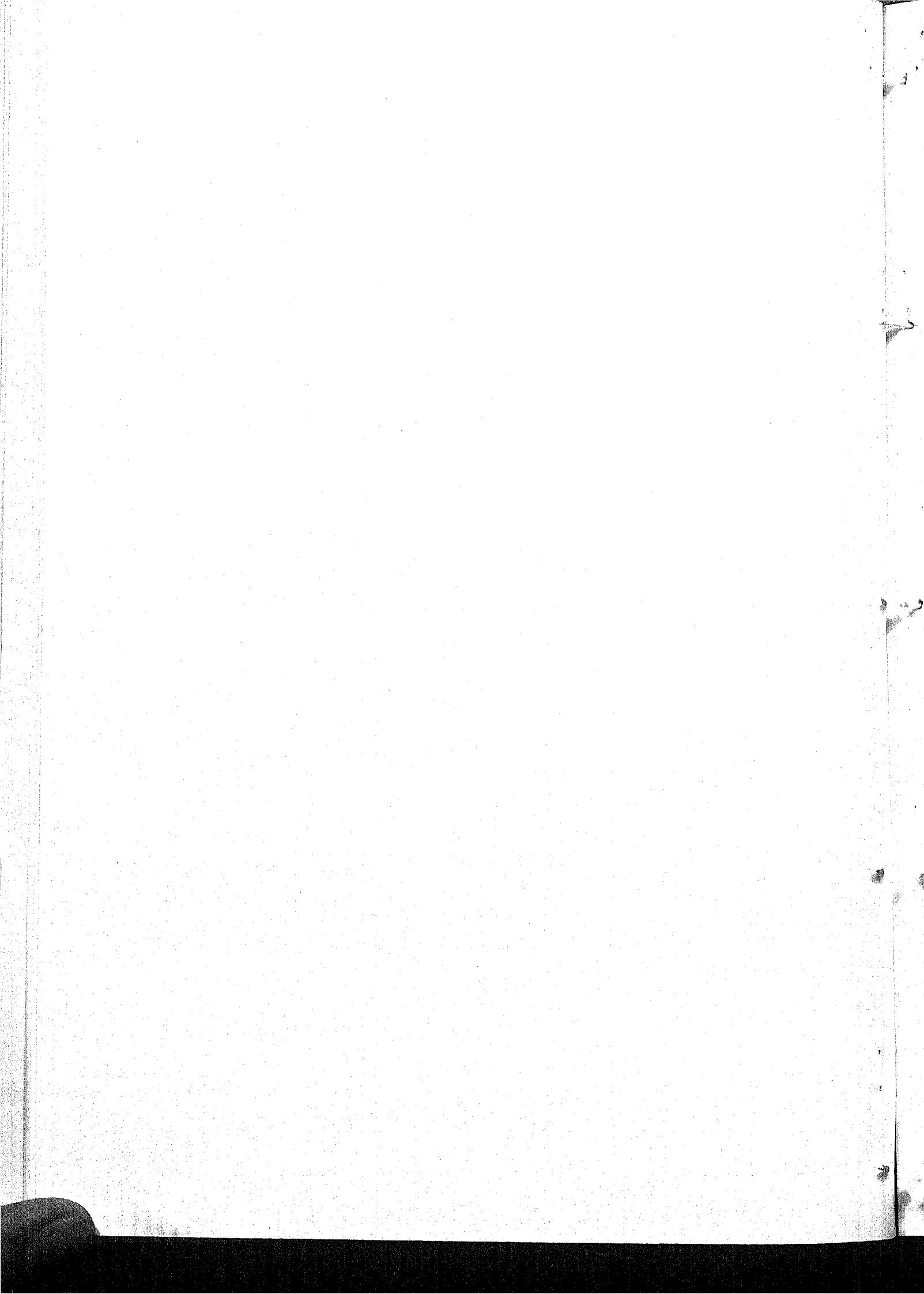
wastelands which can be brought under food cropping. A CAMPA like arrangement as in the case of forestry (Compensatory Recovery of Degraded Land for Diversion of Cropped Land) is called for and a set-up like the Bhumi Sudhar Nigam could administer the fund generated for the recovery programme. Thirdly, the production of the cropped lands which is stagnating, plateauing and, in some areas, even falling, has to be increased by better land and water management, improving quality of seeds and replacement rate, balanced use of inorganic (NPK) and organic fertilizers, micro-nutrient replenishment, disease control and post harvest support as well as technology use. Fourthly, and importantly, strong land owner stakes should be created in SEZs so that they can benefit from these growth engines in a substantial and sustained measure.

A balance has to be struck between agricultural and industrial development in order to maximise employment and better incomes for people. Throwing away the SEZ development is not an option. Making SEZs people, environment and economy-friendly is of course vital. We can learn from experience of other States and design strategies that can eliminate or minimise the negativities of SEZs but opposing the very idea of such zones does not appear to be the right thing to do.

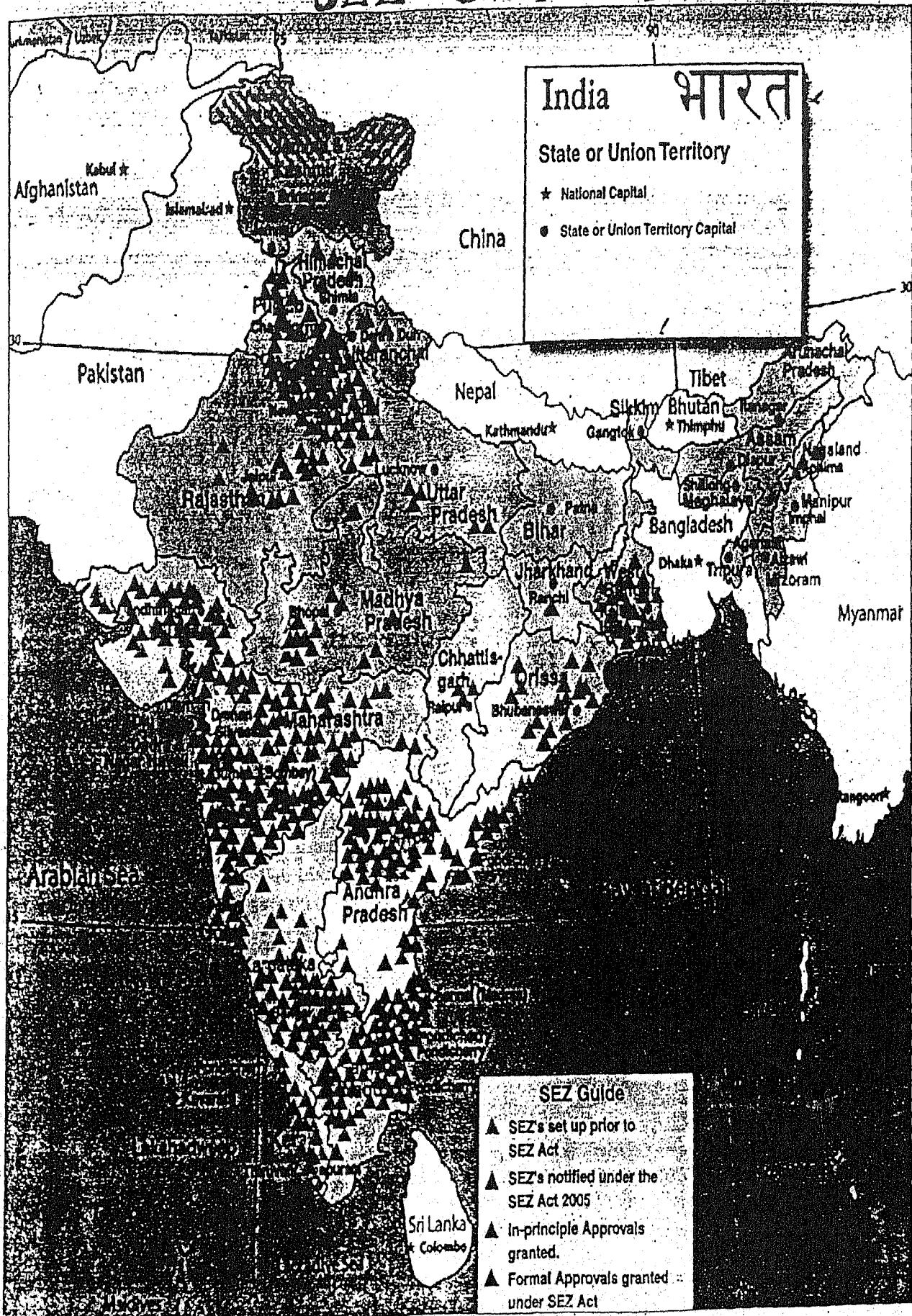
#### Annexure-I

Lucknow

14.03.08



## SEZ STATUS - INDIA (DEC-07)





## **Agrarian Structure and Agricultural Development: An Inter-District Analysis in Uttar Pradesh**

**Richa Singh**

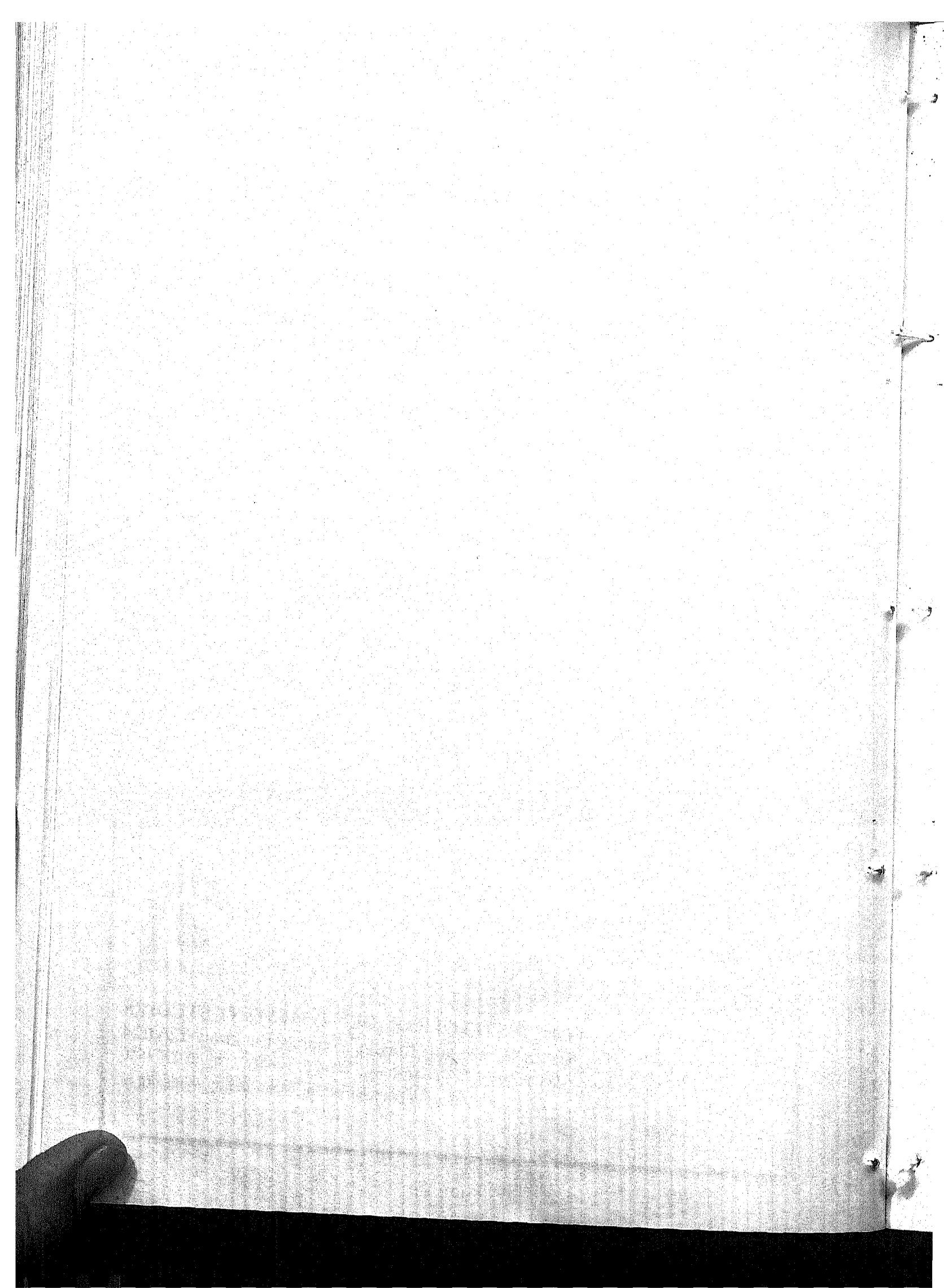
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National Seminar on  
**Land Reforms in Uttar Pradesh : Retrospect and Prospects**

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## Agrarian Structure and Agricultural Development: An Inter-district Analysis in Uttar Pradesh

*Richa Singh\**

### Introduction

Agricultural productivity is influenced by technological and institutional factors. The introduction of new technology is itself dependent on the agrarian structure. Agrarian structure is thus a critical element in the development of the agricultural sector. Different aspects of agrarian structure, such as nature of land ownership, land distribution, tenancy rights, rental levels and land size, have a bearing on the conditions in which farming activities are carried out and affect the capacity as well as willingness of the farmers to adopt modern technology and invest in the development of land. Security of tenure and farm size is, thus, of crucial importance in investment and productivity growth in agriculture.

Since Independence, the Government of India assigned high priority to land reform, which aimed at removal of the exploitative and parasitic intermediary class and giving 'land to the tiller' and prevent land concentration through ceiling of land holdings. Poor implementation and lack of political will thwarted the gains from the land reforms. Nevertheless, the tenurial reforms helped in removing the unproductive intermediaries, establishing a uniform land tenure system throughout the country, providing security of tenure and regulating rental levels and contributed to the emergence of a capitalist peasantry that carried out the green revolution in the country. All this helped India transform itself overtime from a food deficit to a food surplus economy.

A central feature of agrarian structure in India has been the small and declining size of land holding. Agrarian structure in India has been characterized by an increasing predominance of marginal and small holdings, both in terms of number and area due to continuously growing pressure of population and slow progress in the diversification of the rural economy. Decline in joint family system, high rural indebtedness and defective inheritance laws further contributed to this tendency. The small size of holding has posed a major constraint on the development of agriculture in the country. Generation of agricultural surplus has remained confined to a small number of medium and large farmers. A large number of holdings remain economically non-viable due to their small size. Fanning on small holdings has largely remained subsistence oriented and prevented diversification of agriculture. As a result income and productivity levels have remained low, contributing to widespread rural poverty.

### The Farm Size-Productivity Debate

In this context it would be appropriate to refer to the long-standing debate on farm size and agricultural productivity. The debate was initiated by Amartya Sen in the early sixties (Sen, 1962 and 1964). Sen hypothesized an inverse relationship between land size and productivity. His contention was supported by leading economists like Deepak Majumdar (1963), Hanumantha Rao (1966) and Saini (1969). The basic contention of these economists was that the small farmer use family labour, while large farmers rely on hired labour. The small farmers with surplus family labour substitute other factors, which they cannot buy, by a more intensive

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Jawaharlal Nehru University, New Delhi.

use of labour. AK Sen argued that cost of labour was higher and managerial and supervisory diseconomies were greater on large farms. On the other hand, there was more intensive use of inputs by the small farmer along with efficient management. Cropping and irrigation intensity was also higher on these farms.

Some other economists like Krishna Bhardwaj (1974), AP. Rao (1967) and Ashok Rudra (1968), opposed the above generalization regarding inverse relationship between farm size and productivity. In their opinion holding size has no effect on productivity. Rudra pointed out that the small farmers' capacity to apply capital and monetized inputs is lower as compared to the large farmers. Hence, the new agricultural strategy, which was capital intensive, was likely to provide greater benefit to large farmers.

Rudra's arguments were supported by the experience of the green revolution. The new technology, though size neutral, was not resource neutral. Being capital intensive it largely benefited the large farmers. Mechanisation and use of modern inputs was limited on small farms. Large farmers also had the capacity to invest in irrigation, which was a necessary precondition for use of new HYV technology. Hanumantha Rao too highlighted the weakening and even disappearance of inverse relationship between farm size and output during the green revolution period.

The broad conclusion of the size-productivity debate was that a negative relationship between land size and productivity was a common phenomenon in India particularly in the pre green revolution period when traditional technology prevailed, but the spread of new technology has since largely reversed this relationship.

### **Objective and Hypothesis**

The main objective of this paper is to study the impact of agrarian structure on agricultural productivity from the perspective of the size-productivity relationship. This relationship has been examined with the help of a cross section study of districts in Uttar Pradesh. The paper seeks to investigate whether the process of marginalisation of holding has led to a decline in productivity and thwarted agricultural development in the state.

The basic hypothesis of our study is that agricultural productivity at the district level is inversely related to the proportion of area under small and marginal holdings and positively related to the proportion of area under medium and large holdings as well as the average size of holdings.

Our basic contention is that the small and marginal holdings suffer from a basic resource constraint and are unable to invest in modern inputs to the optimum extent. Though these holdings have an advantage over large holdings in terms of availability of free family labour and managerial and supervisory capacities, these cannot fully substitute the requirement of modern inputs. The access of the small farmers to institutional credit and support from government agencies in terms of input supply, extension, etc. is also relatively limited. In other words, we hypothesise the existence of an inverted U type relationship between farm productivity and land size.

### **Data and Methodology**

The study is primarily based on analysis of secondary data. The data set used in this study includes statistics on land distribution over different farm size categories and selected

indicators of agricultural development at the district level in Uttar Pradesh. The main data sources used include the Bulletin of Agricultural Statistics, Uttar Pradesh, the Agricultural Census conducted by the Revenue Board of Uttar Pradesh, District Level Development Indicators compiled by the Planning Department, U.P. Government and other official publications. Most of the data set related to mid-nineties.

The methodology used is based on a correlation analysis across the district level between farm size and land distribution on the one hand and the indices of agricultural development, e.g. per hectare output, yields of major crops, migration, credit, mechanization and use of inputs such as fertilizers. Similar methodology has been used by Singh earlier to examine the impact of agrarian structure on agricultural development in U.P. (Singh, 1992). This is supplemented by a multiple regression analysis with agricultural productivity as the dependent variable and land distribution and selected input levels as independent variables. We first begin with a brief discussion of the pattern of land holdings in the U.P., our study area.

### Land Holding Pattern in Uttar Pradesh

Agriculture is a state subject and thus policy for land reforms has differed across the country, though it has been guided by common national objectives. The success and impact of land reform measures has also varied across the states. Uttar Pradesh along with rest of the states in the country initiated the land reform measures soon after Independence. The measures included abolition of intermediaries, consolidation of fragmented holdings and redistribution of land through land ceiling laws.

The impact of these reforms on the rural economy of Uttar Pradesh has been mixed. Abolition of Zamindari provided an incentive for the peasant to invest in agriculture. The exploitative intermediaries were removed and the cultivator was brought in direct contact with the government. A necessary pre-requisite for agricultural development was thus provided. Consolidation of land holdings has been by far the most successful land reform measure in Uttar Pradesh. It greatly contributed to the high growth rate in the 1970's. Land ceiling and redistribution of land, however, failed to provide the desired results, that of an equitable distribution of land. Only a small proportion of acquired land was redistributed and that too was of poor quality and paltry size (Singh, 1992).

The foremost outcome of the land reform process in Uttar Pradesh, was a sharp decline in the share of medium and large holdings and a relative increase in the share of marginal holdings both in terms of number of households as well as in area owned. Over time this tendency has been intensified. The increasing population pressure, slow growth of non-agricultural employment opportunities, sub-division of land and break-up of joint family system all contributed to the process of 'miniatrurisation' of holdings in the state (Singh, 1987 and 1992). By the turn of the century the problem had acquired an alarming proportion.

The average size of holding in Uttar Pradesh has been reduced to a highly uneconomical size of below one hectare. As per the Agricultural Census 1990-91 nearly three-fourths of the holdings in U.P. are below 1 hectare and over half below half hectare (Table 1). Holdings below one hectare now account for almost one-third of the holding area. Around one-fourth area is under holdings between 1.0 and 2.0 hectare. Only one-tenth of total holdings in the state are above two hectare, though they account for about one-third of the total holding area.

use of labour. AK Sen argued that cost of labour was higher and managerial and supervisory diseconomies were greater on large farms. On the other hand, there was more intensive use of inputs by the small farmer along with efficient management. Cropping and irrigation intensity was also higher on these farms.

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### **Objective and Hypothesis**

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Our basic contention is that the small and marginal holdings suffer from a basic resource constraint and are unable to invest in modern inputs to the optimum extent. Though these holdings have an advantage over large holdings in terms of availability of free family labour and managerial and supervisory capacities, these cannot fully substitute the requirement of modern inputs. The access of the small farmers to institutional credit and support from government agencies in terms of input supply, extension, etc. is also relatively limited. In other words, we hypothesise the existence of an inverted U type relationship between farm productivity and land size.

### **Data and Methodology**

The study is primarily based on analysis of secondary data. The data set used in this study includes statistics on land distribution over different farm size categories and selected

indicators of agricultural development at the district level in Uttar Pradesh. The main data sources used include the Bulletin of Agricultural Statistics, Uttar Pradesh, the Agricultural Census conducted by the Revenue Board of Uttar Pradesh, District Level Development Indicators compiled by the Planning Department, U.P. Government and other official publications. Most of the data set related to mid-nineties.

The methodology used is based on a correlation analysis across the district level between farm size and land distribution on the one hand and the indices of agricultural development, e.g. per hectare output, yields of major crops, migration, credit, mechanization and use of inputs such as fertilizers. Similar methodology has been used by Singh earlier to examine the impact of agrarian structure on agricultural development in U.P. (Singh, 1992). This is supplemented by a multiple regression analysis with agricultural productivity as the dependent variable and land distribution and selected input levels as independent variables. We first begin with a brief discussion of the pattern of land holdings in the U.P., our study area.

### **Land Holding Pattern in Uttar Pradesh**

Agriculture is a state subject and thus policy for land reforms has differed across the country, though it has been guided by common national objectives. The success and impact of land reform measures has also varied across the states. Uttar Pradesh along with rest of the states in the country initiated the land reform measures soon after Independence. The measures included abolition of intermediaries, consolidation of fragmented holdings and redistribution of land through land ceiling laws.

The impact of these reforms on the rural economy of Uttar Pradesh has been mixed. Abolition of Zamindari provided an incentive for the peasant to invest in agriculture. The exploitative intermediaries were removed and the cultivator was brought in direct contact with the government. A necessary pre-requisite for agricultural development was thus provided. Consolidation of land holdings has been by far the most successful land reform measure in Uttar Pradesh. It greatly contributed to the high growth rate in the 1970's. Land ceiling and redistribution of land, however, failed to provide the desired results, that of an equitable distribution of land. Only a small proportion of acquired land was redistributed and that too was of poor quality and paltry size (Singh, 1992).

The foremost outcome of the land reform process in Uttar Pradesh, was a sharp decline in the share of medium and large holdings and a relative increase in the share of marginal holdings both in terms of number of households as well as in area owned. Over time this tendency has been intensified. The increasing population pressure, slow growth of non-agricultural employment opportunities, sub-division of land and break-up of joint family system all contributed to the process of 'miniaturisation' of holdings in the state (Singh, 1987 and 1992). By the turn of the century the problem had acquired an alarming proportion.

The average size of holding in Uttar Pradesh has been reduced to a highly uneconomical size of below one hectare. As per the Agricultural Census 1990-91 nearly three-fourths of the holdings in U.P. are below 1 hectare and over half below half hectare (Table 1). Holdings below one hectare now account for almost one-third of the holding area. Around one-fourth area is under holdings between 1.0 and 2.0 hectare. Only one-tenth of total holdings in the state are above two hectare, though they account for about one-third of the total holding area.

**Table I: Distribution of Agricultural Holdings By Size Category in U.P., 1990-91**

Size Category in ha.	No. Of Holdings		Area of Holdings	
	Number in '000.	Percent	Area in '000 ha.	Percent
Below 0.5	10461.3	52.1	2556.0	14.2
0.5 to 1.0	4358.0	21.7	3097.4	17.2
1.0 to 2.0	3118.5	15.6	4390.7	24.4
2.0 to 3.0	1059.5	5.3	2555.9	14.2
3.0 to 4.0	483.0	2.4	1649.9	9.2
4.0 to 5.0	257.7	1.3	1141.1	6.3
5.0 to 10.0	290.8	1.4	1900.9	10.6
Above 10.0	45.2	0.2	694.0	3.9
All Holdings	20074.0	100.0	17985.9	100.0

Source: Agricultural Census Uttar Pradesh, 1990-91, Board of Revenue, D.P.

Table 2 brings forth the predominance of small and marginal holdings in Uttar Pradesh at the district level. Thus, in thirty out of the fifty districts of U.P. Plains selected for study, more than 55% of operated area is under small and marginal holdings, i.e. below 2 hectare. In 16 of these districts small and marginal holdings account for over 65% of the operated area and in 7 districts over 75% of area is under such holdings. Thus, the agrarian structure of the state is predominated not only by small farmers but also small farms.

**Table 2: Distribution of Districts by Per cent Area under Marginal and Small Holdings in U.P., 1990-91**

Below 45%	Between 45% and 55%	Between 55% and 65%	Above 65%
Mathura	35.4	Mirzapur	45.6 Bareily
Sonebhadra	36.2	Bulandshahr	46.1 Allahabad
Saharanpur	38.4	Meerut	46.3 Etah
Aligarh	39.4	Kanpur Dehat	50.3 Hardoi
Agra	40.6	Moradabad	51.0 Badaun
Hardwar	41.2	Ghaziabad	51.3 Ballia
Ferozabad	41.4	Pilibhit	51.6 Kanpur Nagar
Bijnor	42.2	Rampur	51.7 Etawah
Muzaffarnagar	43.8	Fatehpur	52.0 Kheri
		Shahjahanpur	54.5 Sitapur
			Siddharthnagar
			63.2 Deoria
			75.0
			Ghazipur
			64.0 Rae-Bareily
			75.2
			Gonda
			64.3 Sultanpur
			75.3
			Farrukhabad
			64.5 Varanasi
			76.4
			Lucknow
			64.9 Jaunpur
			77.2
			Pratapgarh
			80.9

Source : Calculated from Census of Agricultural Holdings Uttar Pradesh, 1990-91, Board of Revenue, U.P.

There is little doubt that majority of holdings in U.P. have become economically non-viable. Such holdings have little surplus to invest on the farms. This has important implications for the rate of capital formation in agriculture, productivity levels and growth of the agricultural sector in the state. In the following section we propose to explore the impact of the agrarian structure on the productivity levels and input use with the help of a cross section study at the district level.

### Agrarian Structure and Agricultural Development

To study the impact of agrarian structure on agricultural development, a correlation analysis has been carried out at the district level. The analysis is carried out for the 50 districts of U.P. plains, which share common agro-climatic conditions. The districts falling in the hill region (now under Uttarakhand) and Bundelkhand have been excluded from analysis because of their peculiar geographic and agrarian features.

**Table 3: Value of Coefficient of Correlation Between Area under Different Land Size Categories and Indicators of Agricultural Development at the District level In Uttar Pradesh: Mid 1990's**

Sl. No.	Indicators	Upto 1 ha.	1-2 ha.	2-3 ha	Above 3ha.
1.	Gross value of output per ha. of net sown area (1990-93)	-0.2117	-0.1120	0.3797***	0.1718
2.	Gross value of output per agricultural Worker (1990-93)	-0.6115***	-0.1394	0.7001***	0.5352***
3.	Gross value of output Per rural person (1990-93)	-0.5879***	-0.4352***	0.6923***	0.4891***
4.	Average Yield of foodgrains per ha. (1992-95)	-0.3836***	-0.0701	0.5204***	0.3223**
5.	Average Yield of sugarcane per ha. (1992-95)	-0.5031***	-0.1647	0.5948***	0.5196***
6.	Area under commercial crops as % of gross cropped area ( 1993-94)	-0.6180***	-0.2615*	0.6016***	0.5867***
7.	% of gross irrigated area to gross sown area (1993-94).	-0.2489*	0.1662	0.3859***	0.1390
8.	Fertilizer consumption per ha. Of gross cropped area (1993-94).	-0.0981	-0.0881	0.2586*	0.0679
9.	No. of tractors per 1000 ha of gross sown area.	-0.4797***	-0.2302*	0.4355***	0.4785***
10.	Loans by Primary Ag. Societies per ha. of gross cropped area (Rs.).	-0.5662***	-0.2222	0.4924***	0.4824***

\* Significant at 10%, \*\* Significant at 5%, \*\*\* Significant at 1%

For the purpose of analysis we have selected ten indicators of agricultural development reflecting productivity levels, input use and extent of modernization of agriculture. These indicators have been correlated with the proportion of area under different farm size categories. As explained above data have been collected from different official publications of the Government of U.P. The Coefficient of Correlation results are presented in Table 3.

The table reveals that gross value of output per hectare of net sown area increases as the size of holding increases. For farm size below 2 ha., this relationship is found to be negatively correlated. For holdings between 2-3 ha the correlation is positive and highly significant. Gross value of output per worker as well as per person too shows a similar and statistically much stronger relationship with size of holdings. Average yield of food grains shows a similar positive and significant correlation for holdings above 2 ha and a negative relation with holdings below 2 ha. Similar results are found for yield of sugarcane, the major commercial crop of the state. These results bring forth the strong link between farm size and agricultural productivity as hypothesized by us.

Our findings confirm Rudra's contention that a major cause of low productivity of small holdings is the incapacity of the small and marginal farmers to generate surplus for re-investing on their holdings. Use of modern technology is thus inhibited. Percentage of area under irrigation and fertilizer consumption perha. shows a negative correlation for area under holdings below 1 ha., while the correlation is significant and positive for area under holding between 2-3 ha.

The scope for market oriented and capital intensive cultivation is greater on holdings above 2 ha. This is evident from the positive and highly significant correlation between area under commercial crops and size of holding above 2 ha. The degree of mechanization, as represented by number of tractors per thousand ha. of gross sown area, is also positively and significantly correlated with area under holding above 2 ha. Access to institutional credit facilities is also higher for farmers with a holding above 2 ha. as brought out by the significant and positive sign of correlation coefficient. As is well known, the medium and large farmers corner bulk of institutional credit due to their political clout. Thus, state policy has failed to compensate for the handicaps faced by the small farmers.

The inverse relationship hypothesised between land size and productivity has also been proved to be invalid in the present scenario. With the introduction of the new technology that lays emphasis on investment in land, irrigation, mechanization and greater use of inputs, the viability of small and marginal holdings has been adversely affected. We may, therefore, conclude that the extreme 'miniaturization' of holdings in Uttar Pradesh has depressed the productivity levels and has been operating as a major constraint on agricultural development in the state.

Another important conclusion emerging from our analysis is that a holding between 2-3 ha. seems to be of an optimum size. Area under this category of land size shows a positive and highly significant correlation with all the ten indicators of agricultural development used in the analysis. It is thus a holding size which permits the most efficient use of available resources. Holdings above 3 ha. also show a positive relationship with all the development indicators but the values of correlation coefficients are lower and statistically insignificant in 3 out of 10 cases.

We have further probed this relationship by co-relating the average size of holding at the district level with selected indicators of agricultural development. The results have been given

in Table 4. All the 10 indicators of agricultural development show a positive relationship with the average size of holding at the district level as hypothesized by us. The value of 'r' is significant at 5% level in 6 cases and at 10% level in another 4 cases. Only in one case, that is fertilizer consumption, the relationship is statistically insignificant though positive.

**Table 4: Value of Coefficient of Correlation Between Average Size of Holding and Indicators of Agricultural Development at the District level in Uttar Pradesh: Mid 1990's**

Sl. No.	Indicators	Value of R
1.	Gross value of output per ha. of net sown area (1990-93)	0.2514*
2.	Gross value of output per agricultural worker (1990-93)	0.6404***
3.	Gross value of output per rural person (1990-93)	0.5980***
4.	Average Yield of foodgrains per ha. (1992-95)	0.4274***
5.	Average Yield of sugarcane per ha. (1992-95)	0.6093***
6.	Area under commercial crops as % of gross cropped area (1993-94)	0.6803***
7.	% of gross irrigated area to gross sown area (1993-94).	0.2536*
8.	Fertilizer consumption per ha. of gross cropped area (1993-94).	0.1658
9.	No. of tractors per 1000 ha of gross sown area.	0.5724***
10.	Loans by primary Ag. Societies per ha. of gross cropped area (Rs.).	0.2230*

\* Significant at 10%    \*\* Significant at 5%    \*\*\* Significant at 1%

The correlation analysis clearly indicates that the agrarian structure, as reflected in the average size of holding and pattern of land distribution, is exercising a clear influence on the level of agricultural development in U.P. Our findings are similar to the earlier findings of Singh for the eighties (Singh, 1992).

#### Multiple Regression Analysis

We have also carried out a multiple regression analysis to further probe the impact of farm size on agricultural productivity. Value of agricultural output per hectare has been taken as the dependent variable and average size of holding/proportion of area under holdings below 2 ha., proportion of irrigated area and fertilizer consumption per ha. have been taken as the independent variables. The first variable represents agrarian structure and the latter two variables represent technological factors. The results have been shown in Table 5 and Table 6.

Both the regressions explain around 50 per cent of the variation in agricultural productivity. As hypothesized by us the sign of the coefficient of area under holdings below 2 hectares turns out to be negative, while the sign of the coefficient of average size of holding is positive indicating that agrarian structure does influence agricultural productivity. However, the value of the coefficients is not statistically very significant as indicated by T statistics. Technology variables seem to play a greater role. Thus, it would appear that if the resource constraints of the small holdings are removed through adequate government support, the handicap posed by the small size of holdings can be overcome to a great extent.

**Table 5:Results of Multiple Regression Analysis:**  
**Dependent Variable :Value of output**

Independent Variables	Unstandardized Coefficients		Standardized Coefficients Beta	T Statistics	Stg.
	B	Std. Error			
Constant	8005.662	3040.250		2.633	.011
Area under holdings below 2 ha	-39.657	36.329	-119	-1.092	.261
% Irrigated Area	54.017	30.814	234	1.753	.086
Fertilizer consumption per ha.	59.908	15.860	497	3.777	.000

R square = 0.4770

**Table 6:Results of Multiple Regression Analysis:**  
**Dependent Variable :Value of output**

Independent Variables	Unstandardized Coefficients		Standardized Coefficients Beta	T Statistics	Stg.
	B	Std. Error			
Constant	4289.109	2045.755		2.097	.042
Average size of holding	1624.307	1621.923	.111	1.001	.322
% Irrigated Area	53.804	31.003	.233	1.735	.089
Fertilizer consumption per ha.	59.335	15.894	.492	3.733	.001

R square = 0.4750

### Conclusion

One of the major challenges for accelerating development of the agricultural sector is that of increasing the productivity of the large number of non-viable marginal and small holdings. Given the level of technology, the potential of generating agricultural surplus and its investment is highly limited on the small holdings. Credit and marketing systems too work in favour of the large farmers as against the small and marginal ones. Any attempt directed towards agricultural development must pay foremost attention to a reorganization of the agrarian structure. This reorganization would help in overcoming the serious handicap posed by the non-viability of the small and marginal holdings, towards agricultural development.

The programme of land re-distribution should be taken up in all sincerity through a more effective implementation of the ceilings laws and apportioning of surplus land in favour of the small and marginal farmers. The laws should be made more realistic by plugging the various loopholes to minimize the possibility of manipulation by the big and powerful landlords. Attempt should be made to prevent the legal delays, which have posed the biggest obstacle in implementation of land ceiling laws. This would, however, require a strong political will which is not forthcoming. Relaxation of ceiling limits in the present circumstances is not advisable as argued by economists like Vyas (2001). Corporate farming is also unsuitable in the Indian context.

Consolidation of uneconomic holdings into cooperative farms is another desirable option. Though introduced during the Second Five-year Plan, the scheme failed to gain popularity because of the strong attachment of farmers to their land and lack of a cooperative spirit. However, cooperative principle in some form is a useful means to overcome the size

constraint and to secure better access to crucial inputs like seeds, fertilizers, irrigation and credit. It would make agriculture more organized and integrated and help in securing economies of scale in production, marketing and processing.

The government has followed a policy of providing support to the small and marginal farmers through a number of programmes. The most extensively used option has been that of subsidization of agricultural inputs. Though subsidies led to an increase in use of the modern inputs by the small and marginal farmers, they resulted in a mounting fiscal deficit. Besides, the large farmers cornered the concessions meant for the small farmers. Marginal and small farmers Development agency, Regional Rural Banks, Integrated Rural Development Programme, all these schemes were conceived to assist the small and marginal farmers. Though integral to the development of the agricultural sector, these agencies more often than naught played into the hands of the large farmers, who cornered most of the gains meant for the small and marginal farmers. Institutional support thus has to be made more oriented towards the target group.

The major cause of marginalisation of holdings has been excessive population pressure on agriculture as a source of livelihood and employment. Despite the transformation of the Indian economy, still nearly two-thirds of the work force is employed in this sector. This causes sub-division and fragmentation of holdings and aggravates the problem of disguised unemployment. Rapid diversification of the rural economy is, therefore, urgently required. Development of non-agricultural activities including animal husbandry and other allied activities along with small and cottage industries in the rural areas is needed to reduce pressure on agriculture.

To prevent further sub-division of holdings inheritance laws need to be reviewed. Fixation of a minimum floor of cultivation units is required. This would help bring to a halt the process of continuous splitting and miniaturisation of holdings. However, social acceptance of the needed measures is likely to be low.

Some economists have strongly pleaded for the freeing the lease market (Vyas, 2001; Vaidyanathan, 2000). Relaxing tenancy laws will enable those owning small and marginal holdings to supplement their holdings by leasing in land and make them more viable. This will also help some of them to leave agriculture and find more productive employment elsewhere. With certain safeguards that ensure secure returns or compensation for costs borne on development of land, as also security of ownership, unfreezing of the lease market could help improving the viability of the small farm units.

Economists like V.S. Vyas (2000) have suggested that the second phase of land reforms should contribute to increasing the viability of small holdings. High value addition cultivation such as vegetable and horticulture cultivation need to be encouraged through adequate institutional support. Contract farming and vertical integration of production, marketing and processing activities can help overcome the handicaps posed by the small size of land holdings and ensure higher incomes to the marginal and small farmers.

To sum up, the large number of small and non-viable holdings constitutes one of the most serious problem that ails Indian agriculture, which is responsible for low investment, low productivity and inefficiency in the agricultural sector. This can be overcome only through a bold programme of agrarian reorganization covering several dimensions including change of inheritance laws, freeing of lease market and strict enforcement of ceiling laws. The government would have to provide necessary technological, infrastructural and input support to marginal

and small farmers to raise agricultural productivity. This needs to be complemented by an effort to diversify the rural economy in order to generate more income and employment opportunities and reduce dependence on land. Thus, improving the viability of small holdings is a major challenge for development of the agricultural sector and removal of rural poverty.

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## Does Land Still Matter?

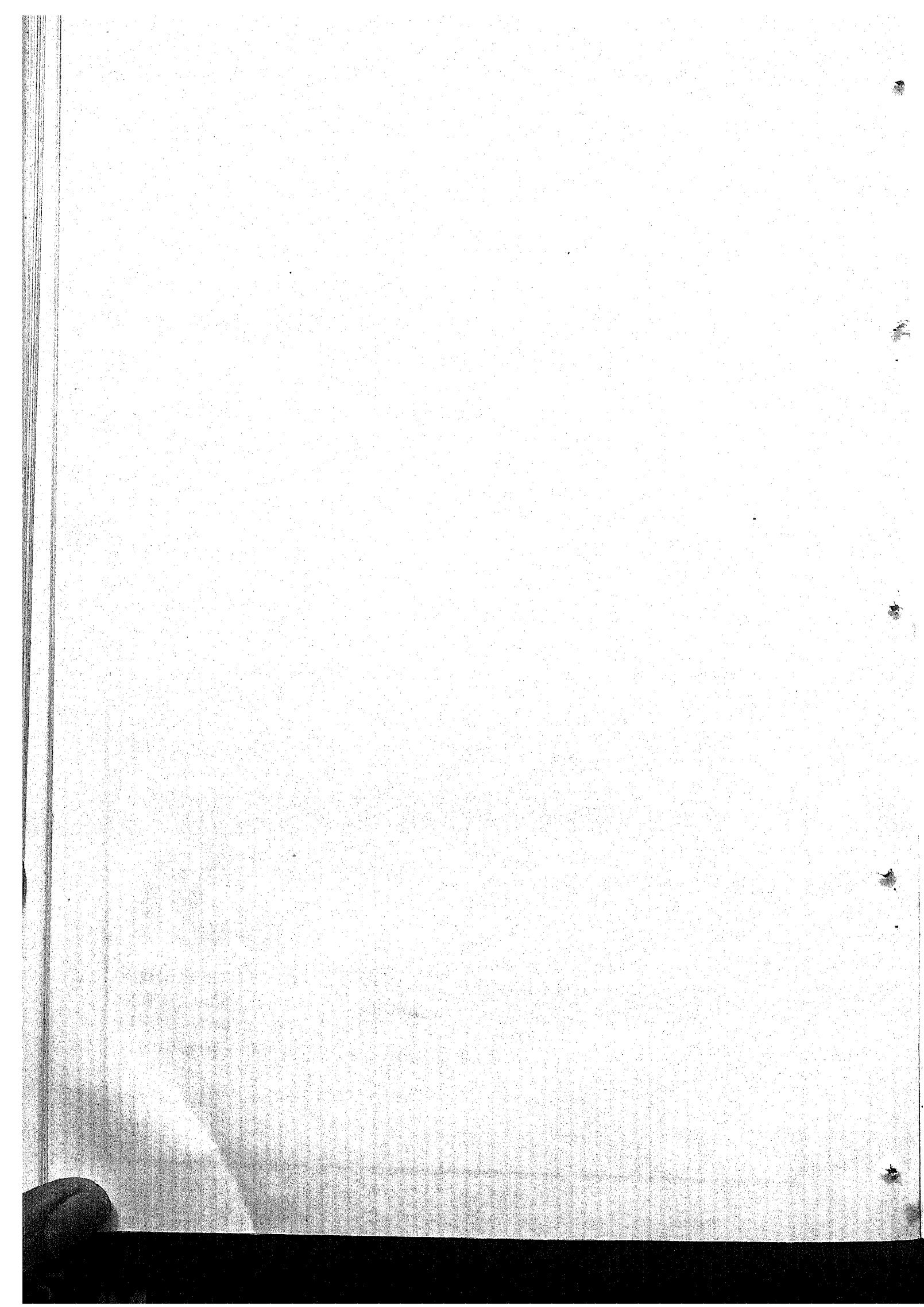
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## Does Land Still Matter?

D BANDYOPADHYAY

The national economy is growing at near double-digit rates but neither industry nor non-agricultural activities in rural India have been able to provide livelihoods for millions of rural workers. It is this failure that underlies the spurt in rural violence that has highlighted once again the issue of the poor's access to land, water and forests. It is gradually being recognised that further deterioration of economic, social and political conditions of the rural poor can neither be arrested nor reversed without a significant policy shift towards a comprehensive land reform programme. Land reform means the disempowerment of a small but very powerful number of people. In a democratic society land reform can be undertaken sans bloodshed but not without tears.

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**A**griculture in India is currently passing through a crisis. The annual growth of agricultural output decelerated from 3.08 per cent pa during the period 1980-81 to 1991-92 to 2.38 per cent pa during 1992-93 to 2003-04 and the growth rate of crop output decelerated from 3.19 per cent pa during the 1980s to 1.18 per cent pa during the latter period. Similarly, the annual growth of foodgrains output decreased to an all time low of 1.16 per cent pa. This annual growth is lower than the rate of growth of population of 1.95 per cent pa. Thus, in the post-reform period there had been a sharp decline in the per capita availability of foodgrains [Bhalla 2007: 67]. The signs are ominous. The disparities between the primary sector and the other two, viz, secondary and tertiary sectors, are growing alarmingly. That apart, at the margin of the primary sector a large number of households are either currently facing food insecurity or would be facing the problem in the near future, leading to enhanced morbidity and mortality.

In a vast country, macro figures tend to iron out many ugly regional features. Except Bihar, Jammu and Kashmir and Himachal Pradesh all the other states showed deceleration of growth in agriculture after 1995-96. Agriculturally developed states like Punjab and West Bengal were able to maintain a growth higher than the national average between 1995-96 and 2004-05. Andhra Pradesh witnessed a fall in growth rate from 3.18 per cent pa between 1984-85 and 1995-96 to 2.69 per cent pa between 1995-96 and 2004-05 [Ramesh Chand et al 2007: 2530-31]. A fall of about 15 per cent in the growth rate is quite significant, which did have deleterious social and political consequences.

There is a lot of literature on the present problems in agriculture including the several-volume report of the Swaminathan Commission. All the literature deal with techno-economic factors like the lack of

public investment in the primary sector, unfavourable terms of trade for agriculture, intensity of use or lack of use of chemical fertilisers, lack of institutional credit facilities and the like. Each factor is understandably important. But there has not been any serious discussion on the mode and relations of production in agriculture. If agrarian relations are not conducive to proper utilisation of the techno-economic factors, their mere availability might not solve the crisis. West Bengal is now recognised as an agriculturally advanced state. But from 1891 to 1981 the growth rate of agriculture varied between 0 and 1 per cent pa. The century old stagnation was able to burst asunder from 1982-83 due to the conglomeration of a number of conducive forces in production relations. This point is often ignored by the pundits of agriculture. Land reform in West Bengal did play an important role.

### Freedom Struggle and Peasants

There is a folklore that the whole concept of land reforms was brought to the fore in India by Wolf Ladejinsky (the World Bank consultant in India) who carried out drastic and radical land reforms in Formosa (now Taiwan), Japan and Korea under Douglas MacArthur during the period of the American occupation after the second world war. His famous report on the abuse of 'bataidari' system in north Bihar did shake the conscience of those in power at that time. But the concept of land reforms was a part and parcel of our freedom struggle. In Jawaharlal Nehru's autobiography one gets a vivid account of the participation of peasants and agricultural workers in both the Civil Disobedience Movement of 1921 and Non-cooperation Movement of 1931. They took part in these movements in large numbers and suffered repression and police atrocities in the hope that political freedom would be accompanied by their emancipation from oppression and bondage of the taluqdars and zamindars who were the "lords of the land" and whom Nehru described as "the spoilt children of the British government". Swami Sahajanand Saraswati, the first



president of the All India Kisan Congress (then a front organisation of the Indian National Congress), asserted in 1936 that "no compromise was possible between the peasants and the landlords except dis-possession of zamindars of their land" [Bandyopadhyay 2007: 102].

Radical land reform was accepted, as a post-independence programme of action by a large section of the Congress particularly those who described themselves as the "Congress Socialists Group". Soon after independence, the All India Congress Committee (AICC) set up the Congress Agrarian Reform Committee, commonly known as the Kumarappa Committee. Among other measures the Kumarappa Committee proposed a fairly radical ceiling on land. The First Five-Year Plan generally endorsed the recommendations of the Kumarappa Committee and left it to the states to implement the ceiling provisions depending on the realities of each state. Since then land reform has been an item for action in all the five-year plans. In the Seventh Five-Year Plan there was a clear statement linking land reforms with other major programmes of the plan. It stated clearly:

Land reforms have been recognised to constitute a vital element both in terms of the anti-poverty strategy and for modernisation and increased productivity in agriculture. Redistribution of land could provide a permanent asset base for a large number of rural landless poor for taking up land-based and other supplementary activities. Similarly, consolidation of holding, tenancy regulation and updating of land records would widen the access of small and marginal landholders to improved technology and inputs and thereby directly leading to increase in agricultural production.

The short point was that this document, though late in the day, acknowledged the centrality of land reform in the whole process of rural development and poverty alleviation. After this late recognition came the tsunami of liberalisation which drowned all the issues of fairness and justice in socio-economic field.

#### Favouring the Marginalised

Gone are the days of the 1950s and 1960s when equity, egalitarianism, socialism and social control of productive resources for common good were part of the thought

processes of leaders of almost all democratic nations. Die hard capitalist countries, barring a few, opted for welfarism. Others adopted various forms of socialism from the mixed economy of the Nehruvian variety to the puritan socialism of Mao Zedong. The commonality among all was the recognition of the interventionist role of the state to tilt the scale in favour of the poor, disadvantaged and marginalised segments of the society. The first flush of land reform in India particularly the abolition of zamindari was a product of that ambience, which was a carry over of the tradition of the freedom struggle. Then the Indian state felt and thought it had a direct responsibility towards the majority of citizens, particularly the rural impoverished masses, who had very few bargaining power in a market of unequal exchange.

Enthusiasm for land reform abated from the early 1960s when India faced a major food crisis, particularly in the eastern region. Naturally, the focus shifted from land reform to enhancement of foodgrain production and productivity. Land reform receded from the frontal visibility. But rural unrest in the late 1960s and early 1970s brought to the fore the issue of land reform. In 1972 prime minister Indira Gandhi convened a meeting of chief ministers to tackle the problem of rising rural unrest commonly known as "Naxalism". In that meeting the then home minister Y B Chavan made that oft quoted famous statement "We would not allow the green revolution to turn into red revolution". In that meeting a consensus was arrived at to reduce land ceiling and to introduce family-based ceiling on land, tenancy reform and other similar measures.

All the measures indicated in the national consensus were quite progressive not only in the context of the then prevailing situation, but the principles and philosophy behind them remain valid even today. The point to note is that at the height of the green revolution when the entire effort of the Indian state was to attain self-sufficiency in foodgrain production to shake off the humiliating shackles of the os Public Law 480, the government of India could think of drastically reducing the land ceiling for redistributive land reform. It did, for some time,

have some effect on reducing the intensity of rural violence.

#### Seeds of Rural Unrest

However, things did not happen in the way one would have expected. Reviewing the situation almost a decade later, the Sixth Five-Year Plan (1980-85) observed:

If progress of land reforms has been less than satisfactory, it has not been due to a flaw in policy but to indifferent implementation. Often the necessary determination has been lacking to effectively undertake action, particularly, in the matter of implementation of ceiling laws, consolidation of holdings and in not vigorously pursuing concealed tenancies and having them vested with tenancy/occupancy rights as enjoined under the law (p 115).

One marvels at the naivety of the statement. Is not the bureaucracy an integral part of the system of governance which formulated the policy? If the bureaucracy failed, the policymakers were no less responsible. In this failure lies the seeds of further rural unrest which we are witnessing today.

In 1991, when the neoliberal economic policy hit India with a thunderous gale force, land reform went off the radar screen of the Indian polity. It became a forgotten agenda of state policy. Marketeers dominated all the segments of governance. It was repugnant to them to talk about land reform or to mention it in their polite society just in case the investors and other big operators in the market got frightened by any government intervention in the land/lease market. They were finding the existing land reform laws that were enacted on the basis of the central guidelines in the early 1970s not only unwanted road blocks but also obnoxious to the free play of capital in the land/lease market. Hence a strong lobby developed to scrap the ceiling laws, allow unfettered rights to lease markets,

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open up the agrarian sector to the corporate bodies for capitalist farming and/or large-scale contract farming, to move away from traditional crop husbandry to export-oriented crop production and the like. In short to do away with the peasantry and the peasant way of life. To many, land reform had become totally irrelevant, an undesirable anachronism in the days of liberalisation, privatisation and globalisation.

#### **Fish in Water**

This is one side of the story. On the other side, according to our prime minister, Naxalism posed the most serious threat to the internal security of our country. The ministry of home affairs assessment in 2006 was that 120 to 150 districts in 12 states were "Naxal infested". Obviously, the normal writ of the state did not run in these areas. Thus a huge chunk of the mainland of India was being practically "governed" by extra legal and in some places illegal authorities. It also showed that militants, whoever they were, had established some rapport with the local population due to which they could move freely evading and avoiding the pincers and crab claws of law enforcing authorities. They were proving to the hilt the doctrine of Mao Zedong of the "Fish in Water" where fish were militants and water was the mass of disgruntled and disaffected peasantry and landless agricultural workers. If the disaffection of the latter could be substantially reduced, water would evaporate and the militants would disappear.

This thesis of Mao Zedong was demonstrated and practised in West Bengal by Hare Krishna Konar the revenue minister of West Bengal in the late 1960s and early 1970s. A massive operation was launched by the West Bengal government for vesting of concealed ceiling surplus land in 1967. Sharecroppers, agricultural workers and marginal farmers took part in tendering oral evidence facing sharp cross-examination to disprove well crafted false 'benami' documents. Around one million acres of good land was vested in the state. This led to their disengagement from the militants and brought them back to the mainstream. Naxalism disappeared from its state of origin. It is now flourishing elsewhere. The present spurt in rural violence has brought to the fore again the whole issue of the

poor's access to land, water and forests. Will there be a knee-jerk response from the state to administer some temporary palliatives or would there be a consistent long-term policy frame for land reform in all its different facets? That is the issue that confronts the intelligentsia today.

Rural violence that we are witnessing in India is not an isolated event totally indigenous in character. There are similar movements of violent nature in several countries of Latin and central America and in parts of South Africa, the Philippines and Indonesia. What these countries are witnessing in the form of a violent land movement is basically the "third wave" of left polities. When the agrarian crisis becomes more acute, the political vacuum in the countryside deepens. The traditional parties of the left which had a rather nebulous relationship with the dispossessed in the countryside have, by and large, succumbed to the logic of capital either to obtain power or after obtaining power, they have wanted to continue in power eschewing Marxian left policies, though many of them still carry the name of Marx. Some of these traditional left parties are openly and unashamedly promoting neoliberalism in its crude form discarding even the fig leaf of egalitarianism, not to speak of socialism. The third wave "virulent left politics" is the direct result of the traditional left's subservience to the needs of capital exhibited through their adherence to the neoliberal economic reform policies. So we have the violent Maoist movement in India, Zapatistas in Mexico, Revolutionary Armed Forces of Colombia (FARC) in Colombia, Landless Rural Workers Movement (MST) in Brazil and the Huks in the Philippines.

#### **Market-Based Reforms**

In order not to rattle the landowners in the rural areas and to diffuse the growing rural uneasiness, which sometimes led to open unrest, a move was made to implement a market-based land reform programme. This was brought about through the financial and technical support from key international agencies and bankers with the aim of offering credit to poor cultivators for purchase of land. Although this approach might have helped a few poor peasants to access some land, in the

overall context it was not much of a success. In the first place sufficient land was not available in the market on a voluntary "willing seller willing buyer" basis to satisfy the land hunger of the land hungry poor peasants. Secondly, wherever the operation took place, land prices shot up favouring the landowner to the disadvantage of poor land purchasers. The procedure of land purchase and registration process were onerous for the poor and small peasants. Some independent scholars were quite critical of market-based land reforms arguing that it provided an easy escape route for the unwilling states to undertake redistributive land reform through state intervention. Market-based land reform did not succeed wherever it was tried and it has hardly any chance of success in India.

The early planners had high hopes that with rapid industrialisation of the country, the surplus labour force in agriculture would be drawn away and absorbed in the secondary and tertiary sectors. But this was not realised. At the end of the Tenth Five-Year Plan, almost 60 per cent of the labour force in India is still engaged in the primary sector contributing around 21 per cent to the country's gross domestic product (GDP). Industry employs 17 per cent of the labour force producing 27 per cent of GDP. What is happening in India is not anything unique. China which is today the third largest country of the world for manufactured commodities still has 49 per cent of its labour force engaged in agriculture producing 15.2 percent of GDP. Industry engages only 22 per cent of the labour force contributing 52.9 per cent of GDP [The Economist 2007: 60, 66]. It shows that macroeconomic growth in both these contexts, has failed to create improved prospects for the rural poor to acquire productive assets, gainful employment or a significant increase in their income and quality of life.

The Indian economy has been having nearly double digit growth rate for the last several years. In spite of this high growth rate, the secondary sector instead of drawing surplus labour force from the primary sector, is itself experiencing a downward trend in labour absorption. So the rosy dream of an El Dorado (the gilded one) put out by the neoliberal economists and



their noisy camp followers were not only not realised but were not realisable. Employment figures for the organised private and public sectors present a dismal picture. In 1991 total employment in this segment was 267.33 lakh. It went up to 282.85 lakh in 1997. Since then it has been continuously declining. In 2004 the figure was 264.43 lakh which was 3 lakh less than in 1991 when liberalisation started. Thus we are witnessing a gradual squeezing out of regular employment, increasing the pool of the urban unemployed proletariat. What is also happening is that regular jobs are being casualised in the organised sector. Casual employment is also getting "feminised", putting greater burden on women for earning a livelihood and looking after the household. The International Labour Organisation has described the situation as "feminisation of poverty".

#### Pressure on Rural Sector

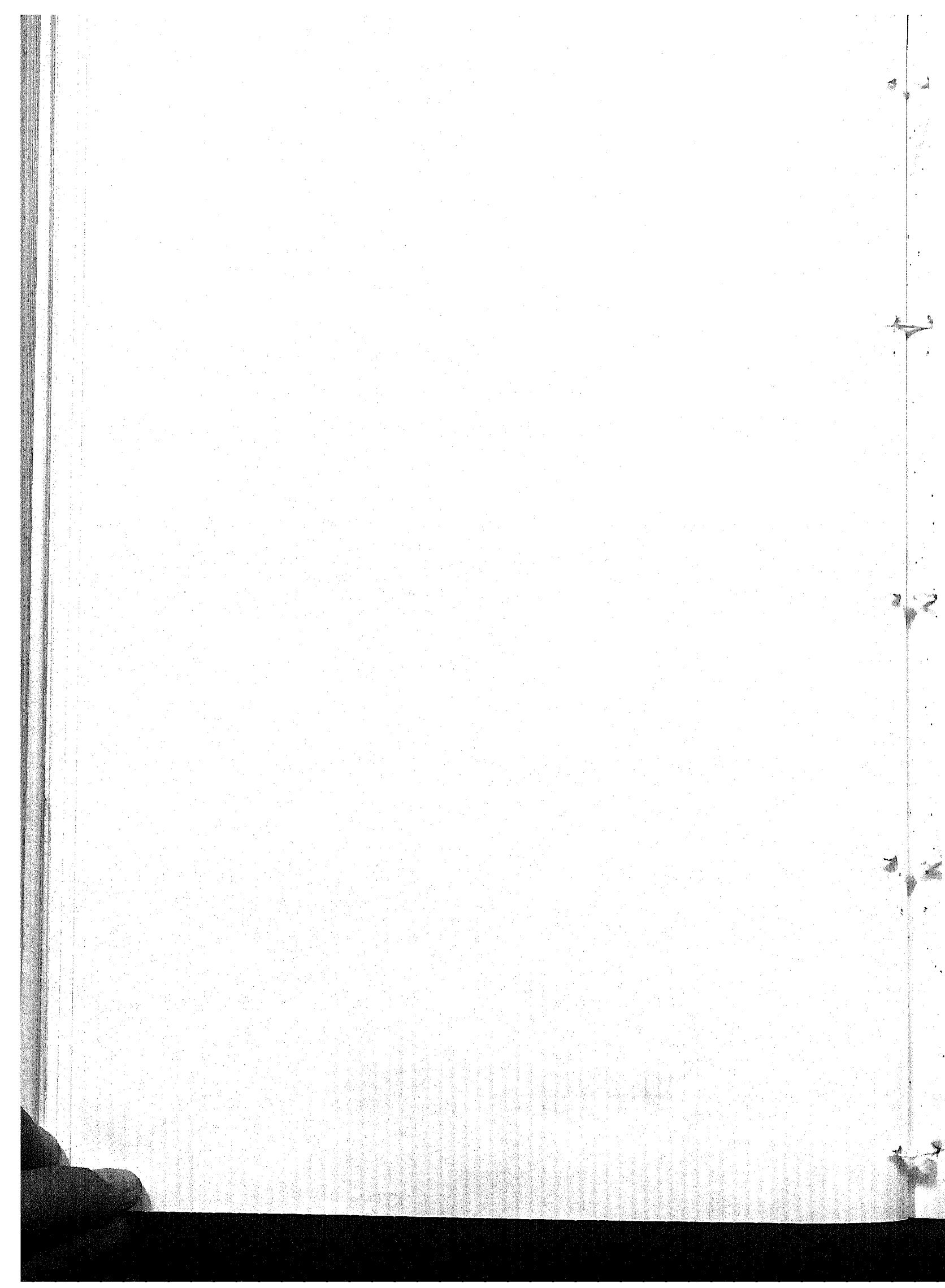
Under compulsion then a majority of the additional labour force in rural areas would have to be absorbed both in the

farm and the non-farm segments of the rural economy. It may also have to deal with the back flow of the urban labour of rural origin rendered unemployed through the process of jobless growth. Under these circumstances, it would not only have to provide some sort of livelihood to labour already attached to agriculture and allied pursuits, it might also have to take care of a segment of the surplus urban unemployed coming back to the rural areas for shelter and livelihood. Hence it is being increasingly recognised that further deterioration of economic, social and political conditions of the rural poor can neither be arrested nor reversed without a significant policy shift towards a comprehensive land reform programme. This programme should include (i) getting more land under ceiling laws for redistribution, (ii) security of tenure of tenants-at-will, (iii) poor's access to the common property resources, and (iv) proper social and economic rehabilitation of the compulsorily displaced persons from the coercively acquired land.

The World Conference on Agrarian Reform and Rural Development in 1979 at Rome declared in its Peasants Charter that:

The rural poor must be given access to land and water resources, agricultural inputs, and services, extension and health facilities; they must be permitted to participate in the design, implementation and evaluation of rural development programmes; the structure and patterns of international trade and external investment must be adjusted to facilitate the implementation of poverty oriented rural development strategies. Growth is necessary but not sufficient; it must be buttressed by equity and above all by people's participation.

The two subsequent world summits in the 1990s, the World Conference on Hunger and Poverty in 1995 and the World Food Summit in 1996, established a direct link between resource rights, particularly access to land for overcoming hunger and poverty. The summits of the 1990s examined the pending crises – the environmental development, energy and food. But deeper analysis would show that these were not separate crises. They were all one and the same.



the second wave of left politics gave Indira Gandhi the chance to formulate the second wave of agrarian reform policies in 1972.

The operation of ceiling laws in the country during the last five decades has resulted in vesting of 7.43 million acres of land of which 5.70 million acres were taken over and 4.34 million acres were distributed among roughly 5 million beneficiaries. The total area vested is less than 1 per cent of the total area of 812.63 million acres of the country and barely over 2 per cent of the arable land area. Not only that, National Sample Survey Organisation's (nss) survey of land ownership pattern in 2003 shows very skewed landholding position. At the all India level marginal and small owners constituted 90.40 per cent of the total number of owners. But they owned only 43.43 per cent of land whereas the medium and large farmers who constituted only 9.60 per cent of landowners owned as much as 56.21 per cent of land. In Andhra Pradesh the corresponding figures were that marginal and small farmers who constituted 91.80 per cent of landowning community owned 41.82 per cent of land whereas 8.40 per cent of medium and large owners had 58.12 per cent of land. Thus the argument that there would be no land available for the third wave of operation for acquisition of ceiling surplus land is not correct.

The achievement so far is hardly anything to write home about. There are wide variations in the ceiling provisions in different states. Many state laws deliberately provide loopholes to enable big land owners to evade the law. It is common knowledge that in many states through benami and clandestine transactions large areas have been stashed away beyond the ceiling limit. There is enough evidence world over to prove that self-cultivation of small farms yields a significantly higher level of productivity than large farms cultivated by tenants or hired labour. Thus, equity and efficiency demand that the ceiling limit should be drastically reduced to the level of five to 10 acres per family. Since various classifications of land give enormous opportunity to landowners to evade ceiling laws should provide for one simple definition of land as given in the standard English dictionary. In one stroke many of the escape routes would be blocked. Moreover, law

should provide for cancellation of all benami and 'tarzi' documents retrospectively, since these are proven cases of large scale fraud on this count.

### Empowering the Powerless

On the tenancy front the picture is quite dark. The nss figure of 6 to 7 per cent is generally admitted to be an underestimate. Tenancy being illegal in many states respondents often do not disclose the truth. Many micro-studies indicate that incidence of tenancy could vary between 15 per cent and 35 per cent. These are all concealed tenancies with very exploitative terms of oral contract. Moreover, the emergence of the phenomenon of reverse tenancy is also a matter of serious concern. Hence while discouraging the earlier system of rent seeking sub-infeudation, leasing-in and leasing-out of land for the purpose of cultivation should be permitted within ceiling limits. All such non-owner crop sharing tillers of land should be recorded, prescribing a fair sharing of crop at 75 per cent (for the tiller) and 25 per cent (for the owner) and they should have heritable rights of cultivation without title to the land. The moment such recorded sharecroppers get certificate of sharecropping, they would become bankable. It would infuse institutional credit to augment both production and productivity.

At last, after a long delay the forest dwellers' law was notified with effect from January 1, 2008. In the PESA area it should be implemented by the gram sabha and the appropriate tier of panchayat. In the non-PESA area it should be done through committees consisting of the beneficiaries, NGOs, panchayat representatives and the like. In no case this should be left with the former poachers now turned conservationists who are more interested in protecting species of the animal world than fellow homo sapiens.

Other points to be considered could be: (i) A massive operation should be undertaken for restoration of alienated tribal lands to the rightful tribal owners; (ii) appropriate amendments be made to the Land Acquisition Act of 1894 and Coal Bearing Areas (Acquisition and Development) Act of 1957 in tune with PESA; (iii) issue of 'user patta' in the names of women and men for use of CPR "including tree patta

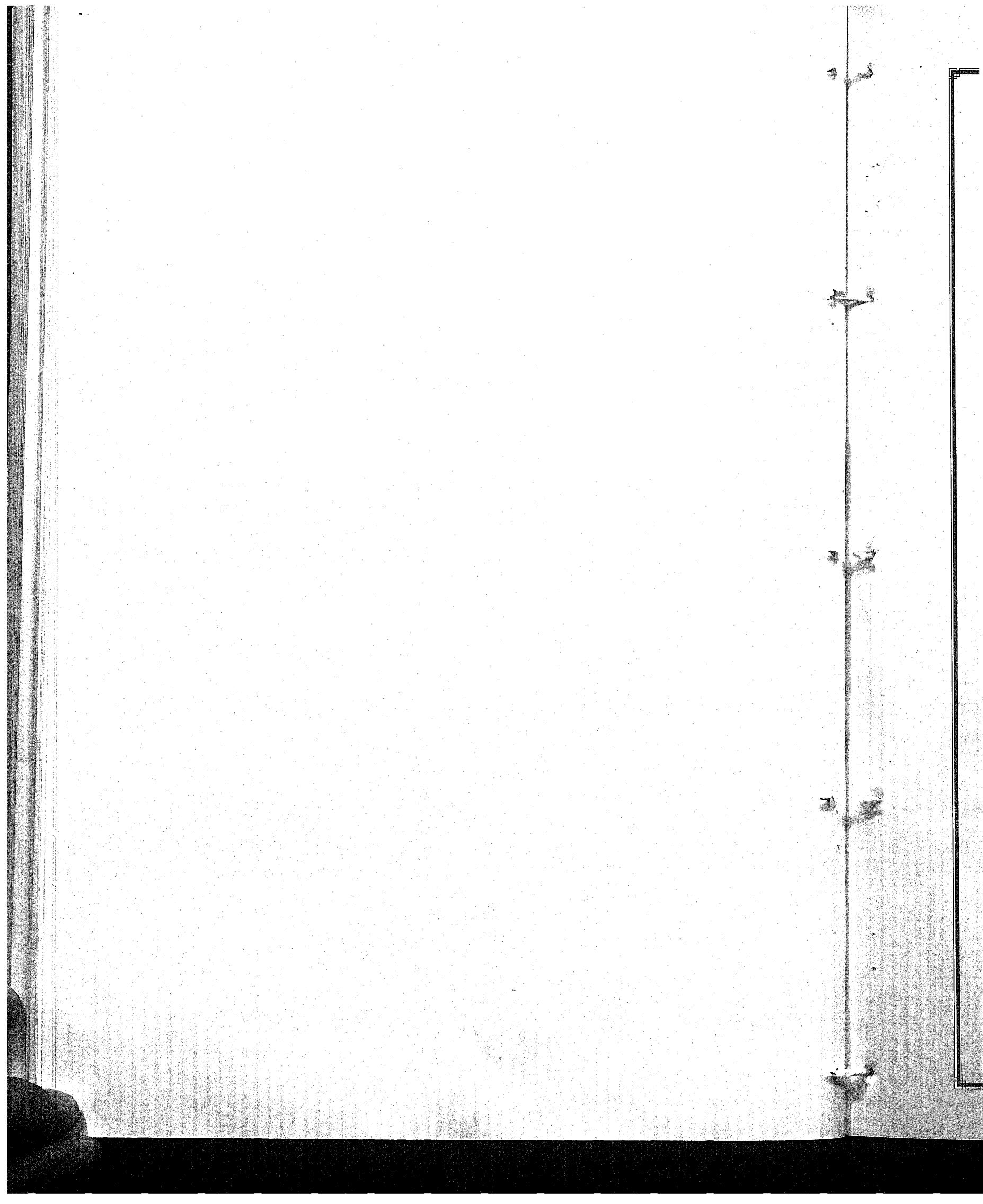
for forest dwellers and water patras for the fisherfolk for CPR water bodies inland or coastal; and (iv) setting up of dispute settlement machinery at the gram panchayat (GP) level with GP members and representatives of beneficiary groups with the representative of the bureaucracy as the member-convenor to keep the records and to explain the legal position.

Land reform in reality means disempowerment of a small highly empowered caucus and empowerment of many powerless persons by the transfer of land resource from the former to the latter through state intervention. In a democratic society it can be done without bloodshed but it cannot be without tears. There is bound to be strong resistance from vested interests, particularly from the landowning classes. The key to success lies in building up strong organisations of prospective beneficiaries vociferously demanding change in their favour and backed up by equally forceful political will of the state to intervene in favour of the rural poor and the dispossessed. The birth of a better social order will have its birth pangs. It is unavoidable.

Acharya Vinoba Bhave, a staunch Gandhian and a social activist who launched the Bhoojan Movement in India used to end all his prayer meetings saying: "Land belongs to Gopal and all his children have equal right to its produce". This is the universal ethical basis of land reforms anywhere and everywhere.

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## 17 Emerging Issues in Land Policy

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## **Foreword**

The India Resident Mission (INRM) Policy Brief Series is sponsored by the Asian Development Bank (ADB) and is designed as a forum to disseminate findings from policy research work undertaken on the Indian economy. The series is primarily based on papers prepared under the Technical Assistance (TA) 'Policy Research Networking to Strengthen Policy Reforms in India'. The main purpose of the TA was to provide assistance for developing policy research networking capacity, in order to build support for, and consolidate the reform process. The INRM Policy Briefs provide a nontechnical account of important policy issues confronting India.



Tadashi Kondo  
Country Director

## Emerging Issues in Land Policy

R. S. Deshpande

Land policy was a major developmental issue during India's freedom movement, especially following the infamous Deccan Riots. It became a prominent concern for the peasants to back the independence movement. The Congress party promised 'land to the tiller'. Immediately after independence a committee headed by J. C. Kumarappa was appointed to look into issues pertaining to land policy. Around that time discussions on land reform began the world over (UN 1954). Land policy was also being discussed in the context of agricultural development (Raup 1963; Wariner 1969). Social justice, political health, expansion of agricultural output and overall development remain the concerns in the analysis of land policy (Krishna 1961).

At independence land was concentrated in the hands of a few, with an extremely skewed distribution, and intermediaries proliferated who had the least interest in self-cultivation of land. The tenancy contracts were highly exploitative. Land records were in a dismal shape, causing a plethora of litigation.

Land policy formulation in independent India has gone through five phases. Abolition of intermediaries and tenancy reforms formed the first phase. The second phase, running almost concurrently but making a major impact, was land ceiling. The third phase involved bringing uncultivated lands under cultivation. The fourth phase was increased attention to soil and water conservation. Conservation was achieved through the Drought Prone Areas Program (DPAP), Desert Development Program (DDP), and wastelands development initiatives through establishing a Wasteland Development Authority. A massive program was

also undertaken for watershed development. The current fifth phase of the policy debate concerns the relevance of some of the land legislation and transparency in land records through computerization. There is also thinking on revisiting land policy on the counts of land ceiling, marginalization of the landholding size, and opening up the tenancy market.<sup>1</sup>

Land reform has been seen as a major tool of asset redistribution policy for poverty alleviation (Cheney et al. 1970), enhancing production efficiency through tenant efficiency and small-farm efficiency (Rudra 1982), agricultural growth (Alesina and Rodrik 1994), and agricultural capital formation (Raup 1963). Besley and Burgess (1998) claim to have produced 'robust evidence of link between poverty reduction and two kinds of land reform legislation—tenancy reform and abolition of intermediaries' (p. 424) but their empirical scoring of the cumulative land reform scores may be open to question. For example, they assign 5.056 to Odisha, 6.139 to West Bengal, 5.444 to Kerala, 4.305 to Bihar, 1.861 to Maharashtra, and 2.833 to Karnataka, which appear to be arbitrary weights. Nevertheless, their hypothesis appears sound. A clear property rights structure can ensure growth and better distribution of these gains, and provide an impetus to sustainability (Deninger 2003). Of late, policy analysts are insisting on socially desirable land use needing a proper institutional back-up; that underscores the role of government (Deninger 2003: 188).

The focus in this paper is on land policy in India in the changing agrarian economy. It also touches upon some related policy goals, such as poverty alleviation, conflict management, sustainable economic growth, and good environmental management.

the purview of state governments. At the national level the Department of Land Resources in the Union Ministry of Rural Development has the mandate to address land policy issues.

Policy on land reform was for the first time spelt out in the First Five-Year Plan (1951–56). Its explicitly stated objectives were to reduce disparities in income and wealth, eliminate exploitation, provide security to tenants, achieve social transformation through equality of status, and enable different sections of the population to participate in development. Land reform was seen in terms of 'community development: reform interventions were meant to provide the means of production to the poor who lacked either resources or the know-how.'

### Intervention to Deal with Property Rights and Poverty

Immediately after independence four major policy interventions were thought of as components of land reform. These were (1) abolition of intermediaries; (2) tenancy reforms; (3) fixing of ceiling on landholding; and (4) consolidation of holding. These components were taken up in different phases as the ground preparation and the political will were to be built for their wider acceptance (Appu 1997). By 1960, the process of legal enactment of the abolition of intermediaries was completed.

This has been the most successful component of the reform process. The major aspects of tenancy reform, enacted between 1960 and 1972, differed across states. Owing to the diverse and complex nature of the production relations, no uniform guidelines could be followed for the entire country. However, some broad guidelines were given to the state governments for incorporating in the state legislation. These included:

- Security of tenancy to be conferred on the actual cultivator.
- Fair rent to be fixed between one-fourth and one-fifth of the gross produce.
- Landowners might be permitted to cultivate land for personal use.
- Surrender of tenancy rights with mutual consent.
- For some of the area, the landlord-tenant nexus to be ended and the tenant cultivator to be brought directly in contact with the state.

### Reflections of Land Policy through Five-Year Plans

Article 39 of the Constitution of India deals with the redistribution of land and land reform. Land administration and land policy is within

<sup>1</sup> Among the consultations on these issues in the last decade were: A National Level Discussion on Comparative Land and Reforms Legislation in Different States, Lai Bahadur Shastri National Academy of Administration (LBSNAA), Mussoorie, 'Whither Tenancy', held at LBSNAA, 1999; 'Land Policy and Administration', The World Bank, New Delhi, May 2004. Debuts are also taken about the process of theorization of land reforms as an institutional tool (Atkins 1988).

- Disabled persons, defense personnel, and such exemptions to be provided.
- The term personal cultivation to be clearly defined if land were to be resumed for cultivation.
- Correctly record tenancy and abolish oral tenancy altogether.

In many states the dominant landlords took advantage of the exemption granted to personal cultivation. The national policy recommended that actual residence of the owner/member of his family must be an essential condition for personal cultivation. Maharashtra and Karnataka additionally required that the principal source of income should be from the produce of the land. In some other states the right to resumption also inversely related to the landlord's economic status. Definitions of family holding, economic holding, and basic holding, the time limit for resuming cultivation, and the consequences of not cultivating also differed across states.

Tenancy is prohibited in a few states and free in some others. Gujarat has made leasing out land an offense punishable with a fine of Rs 10000, but covert tenancy prevails. Prohibition of tenancy gave rise to reverse tenancy and conceded tenancy. It is recorded that 15–25% tenancies in the country are illegal and covert. NSS data show that small and marginal farmers hold more than 80% of the leased land. Since the tenancy is oral they only have a tenuous hold on the land.

In the present context, tenancy could be viewed as a mechanism of resource adjustment, access to credit institutions and credit system, sharing of risk and entrepreneurship, and avoiding transaction costs. For these reasons, a poor cultivator may lease out. It is seen from the 1990–91 agricultural census that most of the tenancy contracts are on the basis of fixed money rent and share of produce.

Six significant changes have been witnessed in the land lease market in the last thirty years. First, where leasing is legal the lease period has been shortened. Second, landlord's supervision of the leased land has increased for fear of tenant occupancy. Landlord–tenant relations have become stronger in terms of resource sharing and cost sharing. Third, the landowner's investment has increased substantially due to technological inputs. Fourth, rent has been regulated in a few states. Where tenancy is covert the landlord fixes the rent anywhere between 50 and 85% of the produce. Fifth, the tenant identifies himself with the land,

unlike earlier. Thus, the tenant cultivator's production efficiency might be higher than that of the owner cultivator. Sixth, in a concealed tenancy the tenant faces a major hardship in accessing credit, technology, and product market.

The National Commission on Agriculture stated that under the present dual-land ratio tenancy could not be banned (GOI 1976: 160). Experience has also shown that this ban is hardly effective. Can we, therefore, consider opening the tenancy market? Can, for example, a large landholder lease in land from small and marginal farmers? Can a noncultivator rent land for cultivation or other purposes? What should be the tenancy policy for lands owned/operated by weaker sections?

### Land Ceiling

The landholding pattern during the 1940s and 50s was extremely skewed. About 5.3% of the land was held by about 8% large farmers, 28% of submarginal and marginal holdings owned about 6% area. Land ceiling was considered essential for three economic compulsions. First, the existence of an inverse size–productivity relationship suggested economic gains in small holdings. Second, large holders of land left large fallows. Third, a large proportion of the population was land-based poor who, if provided with land as an economic resource, could earn their livelihood.

State legislation more or less conformed to the national guidelines in fixation of the ceiling limits and distribution of surplus land. A few significant issues featured after the 1970s phase of land reform. The very process of enacting the law in two phases allowed sufficient time to the large holders to adjust their size of holding. During this phase 'Bentami holding' emerged and proliferated. This was also facilitated by the pathetic conditions of land records.

The National Commission on Agriculture held that any attempt to lower the ceiling might create further uncertainty among the middle and large farmers and undermine production (GOI 1976: 162). Demographic pressures were certain to reduce the size of holding in the top brackets; at the bottom this pressure would lead to marginalization of holdings.

## Consolidation of Holding

During the early 1970s it was felt that one holder may have several fragments scattered across the revenue villages in the vicinity or at long distances in the same village. This was an easy escape from the Land Ceiling Act and therefore it was considered necessary that landholding of an individual holder should be consolidated in one parcel. The legislation was, however, difficult to formulate and did not consider the ground reality of caste within the farming communities and local processes of politicization.

Except Punjab, Haryana, and Uttar Pradesh land consolidation has not made any impact in the rest of India. Legislative provisions for consolidation have been made in fifteen states but they provided sufficient room to escape. For example, Madhya Pradesh and West Bengal provide only for voluntary consolidation; similar is the case with Gujarat, Himachal Pradesh, and Maharashtra. Given the importance and the extremely unsatisfactory results of this program, it is essential to think of an institutional solution. Contract farming on a crop group basis is one of the most feasible, if safeguards are provided against the big contractors usurping the legitimate benefits due to the small and marginal farmers.

## Emerging Issues

### Land Administration

Land and agricultural administration are two independent departments in both the central and state governments. While this helps to monitor nonagricultural land use separately from agriculture lack of integration creates messy administrative regimes. There are a number of departments that look into various aspects of land policy and virtually independently. These include land revenue, survey, settlement, land administration, land data, and land legislation.

The Department of Land Resources in the Union Ministry of Rural Development addresses the issues pertaining to land administration, particularly degraded lands, and has a range of programs that set the national framework. These programs are passed on to the state governments as guidelines but more frequently as the final design. At the state level there are the Land Development Boards.

## Computerization of Land Records

Recording of land rights and their periodic updating is a prerequisite for an effective land policy. This not only eliminates harassment of the farmers but also indirectly contributes towards efficiency. During the Seventh Plan in 1987-88 a centrally sponsored scheme on Computerization of Land Records (CLR) was introduced as a pilot project in the districts of Gulbarga (Karnataka), Rangareddy (Andhra Pradesh), Sonipur (Assam), Singhbhum (Bihar), Gandhinagar (Gujarat), Morena (Madhya Pradesh), Wardha (Maharashtra), Mayurbhanj (Orissa), and Dungarpur (Rajasthan). Its main objectives were: (1) computerization of ownership and plot-wise details for issue of timely and accurate copy of the Records of Rights (RoR) to the landowners; (2) to achieve low-cost, easily reproducible storage media for reliable durable preservation; (3) to provide fast and efficient retrieval of information, both graphical and textual; and (4) creation of a Land Information System (LIS) and database for agricultural census. In the Eighth Plan, 323 districts in the country were to be brought under the scheme. In 1997-98, 177 new project districts were to be covered.

The scheme, however, is making slow progress. Some of the operational problems are: delayed transfer of funds to the implementing authority; delay in development of need-based software; poor computer training facilities for the field revenue staff; nonavailability of private contractors for data entry; and lack of administrative focus. Computerization only involves entering the available land records (without any effort to correct them) and enabling their printout. More than computerization of land records guaranteeing the title to land should have received priority. It is a common observation in the villages that persons in whose name the land is recorded are either deceased or do not possess that land. The Planning Commission had appointed a one-man Committee on Record of Rights in Land in the 1980s (Wadhwa 1989). One paper emerged out of this work and, expectedly, no policy initiatives followed.

### Land Surveys

A cadastral survey was done well before independence. A fresh survey is called for, after five decades of significant changes in the landholding pattern. It is a tall order. One recent experience of conducting

a land survey in a Karnataka district is proving enormously time consuming and may not probably yield the desired results. Land records are likely to get further complicated when data about land that hitherto evaded the records become available. Land surveys based on Geographical Information System (GIS) could be the solution: they will also provide repeated assessment and track the land use pattern.

#### Tenancy

If agricultural tenancy and renting in land is made legal the majority of the beneficiaries will be small and marginal farmers. At present the tenant or the landlord (in a reverent tenancy) has no protection (Anonymous 1999). Also, the tenant cannot raise capital from financial institutions. Many farmers who have committed suicide recently had rented in land, but not being legal tenants, had to borrow from money lenders and could not repay the usurious interest rates (Deshpande 2003). If tenancy is made legal only an agriculturist should be allowed to lease in land and agricultural land for that purpose alone. To guard against the weaker sections losing in this process leasing in their land should be regulated with adequate intervention.

It is expected that opening of the lease market will bring in private investment in agriculture, lack of which has been a major problem. It is possible to keep out imperfections by restricting the upper limit and limiting the lease period to a few years. Sections of the population losing in this process may have to be seriously considered.

#### Marginlization of Site of Holding

Land fragmentation is taking place faster among the weaker sections. Also, better quality lands are more subjected to fragmentation. Some states have legal provision of not allowing fragmentation of land below 0.5 hectares but it is not implemented strictly. All these point towards consolidation of small and marginal farmers, not as was done under consolidation of landholdings, but to bring them together as one production unit (through formal or informal cooperation) (Deninger 1995). Group contract farming is an alternative successfully tried in some parts of the country, though there have been failures as well. Chettin, cotton, rose, and onion are a few successful examples of contract farming.

#### Land Use Pattern

Land use pattern is an outcome as well as determinant of land policy. Broadly, four important interventions were made to address land use in addition to the various components of land reform. First, the Soil Conservation Program was taken all over the country and a separate department was created to implement it. This was coupled with the Community Development Program, in order to improve the quality of land and stop land degradation. Second, Area Development Programs were taken up for the lagging regions in the country under DPAP and DDP. Third, these programs were dovetailed with the Intensive Agricultural District Program (IADP), Tribal Development Program (TDP), and special schemes for backward districts. During this phase, wasteland development activities also picked up as an outcome of the Area Development Programs. A Wasteland Development Authority was created at the Center. In the fourth phase, watershed development activities were initiated through the National Watershed Development Program (at times merging with the Soil Conservation Program) under the Ministry of Rural Development as well as through various funding agencies, including the World Bank, Danish International Development Agency (DANIDA), Department For International Development (DFID, UK), etc. All these land development programs had their own impact on land policy.

In the recent past, the Watershed Development Program essentially includes formation of watershed development committees and self-help groups which are different from the Panchayat Raj Institutions (PRI) structure. The funding agencies insist on these institutions. A conflict could arise between these institutions and the PRI structure that may emerge soon. Therefore, it would be essential to attach the Watershed Development Program to PRIs in order to bring sustainability to the program as well as the created institutions.

One important change taking place in the rural areas is the acquisition of land by noncultivating urbanites. Corporate bodies across the country have been purchasing and holding fertile land for nonagricultural purposes, including speculative purpose. If unchecked, this trend can have severe repercussions on agricultural growth. A related phenomenon is agricultural land being put to nonagricultural uses. These two problems could be tackled by providing an institutional alternative under the control of the state land use boards. Such arrangement can also monitor

the policy for use of common property resources. The present body on wasteland development can be merged with such a board, with the state land use board having monitoring and recommended powers. In the debate on land ceiling on one side it is argued that ceiling limits do not provide for a viable land site for a family. This is buttressed by the argument that as there are no limits on investment in other sectors, why should an agriculturist face a restriction on increasing the size of holding. Economically viable size of holding is the crux of the present crisis. But given the present political and administrative climate in the country rolling back the Land Ceiling Act is not a viable policy option. It will certainly be detrimental to the growth of equity in the agricultural sector and may intensify distress. Where the efficiency of small and large farms is more or less equal, it is necessary to allow size of holding which can generate the investible capital in agriculture. This can be achieved through pooling the smaller holdings to form formal/informal groups of producers (cooperative or informal) and market their produce jointly, as argued above.

## Problems, Policy Pointers, and Implementation

Problem	Policy Pointers	Challenges in Implementation
Land titles are piecemeal and the record keeping is anachronistic. This gives rise to litigation, a great portion of it pending in various courts and tribunals.	<ul style="list-style-type: none"> <li>The State should guarantee a clear land title. Torrens System may be a helpful device.</li> <li>Improve keeping of land records. The Planning Commission had appointed a committee for this a decade ago but nothing seems to have emerged.</li> </ul>	<ul style="list-style-type: none"> <li>Land records are piecemeal, causing severe hardship to the farmers.</li> <li>Land records are ill-maintained, causing severe hardship to the farmers.</li> <li>Computerize land records. (The scheme has been taken up in selected districts.)</li> <li>Land records are ill-maintained, causing severe hardship to the farmers.</li> </ul>
Land records are ill-maintained, causing severe hardship to the farmers.	<ul style="list-style-type: none"> <li>The State should guarantee a clear land title. Torrens System may be a helpful device.</li> <li>Improve keeping of land records. The Planning Commission had appointed a committee for this a decade ago but nothing seems to have emerged.</li> <li>Computerize land records. (The scheme has been taken up in selected districts.)</li> <li>Land records are ill-maintained, causing severe hardship to the farmers.</li> </ul>	<ul style="list-style-type: none"> <li>The operation is of a massive scale.</li> <li>The present state of land records poses a further challenge.</li> <li>Non-specific nature of the entry of records creates a major hurdle.</li> <li>The scheme will also be difficult to operate in some districts due to the condition of the land records.</li> </ul>
Land records have become unreliable, as the surveys were conducted long ago. The survey work is huge and needs enormous resources.	<ul style="list-style-type: none"> <li>Involve private institutions for land survey, GIS, supported by sample ground checking, provides the best option.</li> <li>The funding.</li> </ul>	<ul style="list-style-type: none"> <li>Involve private institutions for land survey, GIS, supported by sample ground checking, provides the best option.</li> <li>The funding.</li> </ul>

Problem	Policy Pointers	Challenges in Implementation	
		Challenges in Implementation	Challenges in Implementation
In many states tenancy is oral. The weaker partner (tenant/landowner) in the contract seldom gets the intended results.	<ul style="list-style-type: none"> <li>Legalize tenancy.</li> <li>Compulsorily record tenancy.</li> <li>As the better-off farmers are moving out of rural areas, land control changes are taking place and that may cause difficulty in enforcing tenancy contracts.</li> </ul>	<ul style="list-style-type: none"> <li>The rural elite and dominant social groups can exploit legalisation of tenancy in the market.</li> <li>Concealed tenancy and reverse tenancy have become normative. These are more exploitative than earlier.</li> </ul>	<ul style="list-style-type: none"> <li>Daughters should have right on the inherited property.</li> <li>Survivor of such right to be registered in the presence of revenue officials.</li> <li>Neglect and misuse of cultivable waste, other fallows, and public wastelands.</li> </ul>
Landholdings are rapidly getting marginalized both in size and quality of land, adding to the existing stock of unviable and poor cultivators. The increasing cost of cultivation and predominance of cash component worsens their plight.	<ul style="list-style-type: none"> <li>Revisit the Land Ceiling Act and locate economic holdings in different regions.</li> <li>Take up land consolidation to combine fragmented holdings as part of informal cooperative units.</li> <li>Changes in the law of inheritance could also be considered.</li> <li>Contract group farming with adequate credit is a better alternative if stimulated through homogeneous and contiguous groups.</li> </ul>	<ul style="list-style-type: none"> <li>The hazard that rolling back the land ceiling may strengthen the land grabbers in the rural areas must be taken care of through legal means.</li> <li>The contracts should help build a sustainable partnership.</li> </ul>	<ul style="list-style-type: none"> <li>Give use rights (tenant rights/parties) of such lands to the landless agricultural laborers, equipping them with knowhow and a plan to use such lands economically.</li> <li>Forest lands under legal ownership of the Forest Department are degrading alarmingly.</li> </ul>
		<ul style="list-style-type: none"> <li>The hazard that rolling back the land ceiling may strengthen the land grabbers in the rural areas must be taken care of through legal means.</li> <li>The contracts should help build a sustainable partnership.</li> </ul>	<ul style="list-style-type: none"> <li>Lease out these lands to landless agricultural workers interested in bringing them under use.</li> <li>As suggested by various committees, tree felling (right to harvest the produce of the trees) could be granted to the forest dwellers.</li> </ul>
		<ul style="list-style-type: none"> <li>Land-related laws are numerous and incohesive.</li> </ul>	<ul style="list-style-type: none"> <li>Legal implications and environmental sustainability must be fully ascertained.</li> <li>The gains of this policy being usurped by the influential elite should be prevented.</li> </ul>
		<ul style="list-style-type: none"> <li>Review the entire legal framework governing land, five decades of legal expertise and case histories should help in designing the system.</li> </ul>	<ul style="list-style-type: none"> <li>Land relations differ widely across regions. That will need careful documentation before getting on to the policy.</li> </ul>

## References

Problem	Policy Pointers	Challenges in Implementation
Shrinking of agricultural land base and land being used for nonagricultural uses.	<ul style="list-style-type: none"> <li>• A difficult terrain, since any administrative fiat to prevent the farmer from changing the land use or transfer the land will impinge on his fundamental rights.</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthen them. Policy should be directed towards locating proper institutional framework to get these issues incorporated in a broader policy frame.</li> </ul>
Land use boards at the state level have become toothless institutions.		

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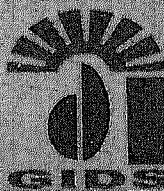
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## उत्तर प्रदेश में भूमि सुधार कार्यप्रणाली के माध्यम से गरीबों को भूमि आवंटन : एक क्षेत्रीय अध्ययन

डा० प्रताप सिंह गढ़िया

### 1. भूमिका :

यह सर्वविदित है कि भूख व गरीबी निवारण के लिए ग्रामीण अर्थव्यवस्था जिसमें सीमान्त व लघु कृषकों की बहुलता है, के विरुद्ध लड़ने के लिये भूमि सुधार एक कारगर हथियार हो सकता है। भूमि सुधार केवल भूमि के आवंटन तक ही सीमित नहीं है वरन् भूमि उपयोग के संरक्षण के उपाय, भूमि प्रबन्ध और भूक्षण को रोकने के उपायों को इसमें सम्मिलित किया जाना आवश्यक है। अतः बढ़ रही जनसंख्या को खाद्यान्न उपलब्ध कराने के लिये कृषि उत्पादकता में वृद्धि करना एक विकल्प बचा है। अतः कृषि क्षेत्र में दो आधारभूत सिद्धान्त पहला तकनीकी विकास व दूसरा संस्थागत सुधार के माध्यम से उत्पादकता को बढ़ाया जा सकता है। तकनीकी आधार में उत्तम बीज, खाद, पौध संरक्षण, खेती के अच्छे व उच्च तकनीक के औजार और सिंचाई आते हैं। जबकि संस्थागत सुधार में भूमि जोतने वाले को भूमि आवंटन सम्मिलित है, इसमें भूमि पर अधिकार का नियम व समाज के कमजोर वर्ग को भूमि का आवंटन करना है जो कार्य सरकारी प्रयासों से सम्भव हो सकता है। कुल मिलाकर भूमि सुधार की मुख्य नीति कृषि उत्पादों की उत्पादकता को बढ़ाकर और ग्रामीण क्षेत्र के लोगों के आय व रोजगार में वृद्धि करना है क्योंकि अर्थव्यवस्था के अन्य क्षेत्रों में बढ़ रही आबादी व बेरोजगारों को खपाना सम्भव नहीं है।

उत्तर प्रदेश में आजादी के बाद सरकार का ध्यान भूमि सुधार की ओर आकर्षित हुआ और सर्वप्रथम कांग्रेस के प्रथम मुख्यमंत्री गोविन्द बल्लभ पन्त के द्वारा कृषि के पुर्णनिर्माण हेतु सन् 1950 में जमींदारी उन्मूलन व भूमि सुधार कानून (जे.ए.एल.आर.ए.) को लागू किया इसी कानून के साथ-2 रामपुर ठेकेदारी व पट्टेदारी कानून 1953 और कुमायूँ भूमि कानून 1954 को बनाया गया। यद्यपि तीन तरह के कानून बने लेकिन भूमि के पुर्णवितरण में अपेक्षित सुधार नहीं आ पाया।

भूमि जोतों के पुर्णवितरण में अपेक्षित सुधार न आ पाने के कारण उत्तर प्रदेश मे सन् 1960 में भूमि हृदबन्दी (सीलिंग) कानून बनाया गया। जिसमें भूमि जोत सीमा 40 एकड़ रखी

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लेखक गिरि विकास अध्ययन संस्थान के निदेशक प्रोफेसर अजीत कुमार सिंह का आभारी है, जिन्होंने इस अध्ययन को करने व सुझाव देने में अपना महत्वपूर्ण योगदान दिया।

गयी थी। भूमि हदबन्दी कानून का मुख्य उद्देश्य भूमि की उच्च सीमा को अपराह्न कर बड़े कृषकों से जो अतिरिक्त भूमि उपलब्ध होगी उसको भूमिहीनों व जिनके पास कम भूमि है उनमें इस अतिरिक्त भूमि का आवंटन करना था। सन् 1960 के भूमि हदबन्दी कानून के अनुसार बड़े जमींदार/कृषकों के परिवार की परिभाषा विस्तृत व अस्पष्ट थी क्योंकि परिवार में नाते रिश्तेदारों को भी सम्मिलित कर लिया गया था इसके साथ-2 इस कानून के अन्तर्गत राज्य सरकार की भूमि, उद्योगों के लिये प्रयोग की जा रही भूमि, कब्रिस्तान व श्मशान घाट की भूमि, चाय, काफी व रबर उत्पादन की जा रही भूमि, धर्मार्थ व वक्फ की भूमि, मुर्गीपालन व डेयरी उद्योग वाली भूमि, गौशाला, खाद एकत्रण करने की जगह की भूमि, खंडिहान तथा खेतों में जाने के लिये बने रास्तों की भूमि को भूमि हदबन्दी कानून से अलग रखा गया था।

सन् 1960 का भूमि हदबन्दी कानून अपने उद्देश्यों में विफल रहने के कारण सन् 1973 में इस कानून में संशोधन किया गया। संशोधन के अनुसार 5 लोगों के परिवार के लिये अच्छी भूमि जोत की सीमा 7.3 हैक्टेयर की गयी और परिवार में प्रत्येक अतिरिक्त सदस्य के लिये 2 हैक्टेयर की सीमा रखी गयी जबकि असिंचित भूमि की जोत सीमा 10.95-18.25 हैक्टेयर रखी गयी। यद्यपि भूमि हदबन्दी कानून से जोत सीमा में कमी आयी लेकिन सन् 1960 में बने भूमि हदबन्दी कानून व सन् 1973 में उसमें हुए संशोधन तक ग्रामीण क्षेत्र में बड़े कृषक जागरूक हो गये और उन्होंने हदबन्दी सीमा से अतिरिक्त भूमि को अपने नाते रिश्तेदारों के नाम कर दिया और एक सीमा तक भूमि हदबन्दी कानून को विफल कर दिया।

आजादी के बाद पचास के दशक में देश के सभी राज्यों में जमींदारी व मध्यस्थों का उन्मूलन, जोतने वाले को खेतों का मालिकाना हक, काश्तकारी सुधार, भूमि जोत हदबन्दी (लैण्ड सीलिंग) चकबन्दी व सहकारी खेती जैसे भूमि सुधार के कार्यक्रम चलाये जा रहे हैं भूमि सुधार के उपरोक्त कार्यक्रमों से ग्रामीण क्षेत्र में जो अतिरिक्त (सरप्लस) भूमि उपलब्ध हुई है उसको ग्रामीण भूमिहीनों या जिनके पास बहुत कम जमीन है वितरित किया है। सीलिंग, चकबन्दी के अतिरिक्त ग्राम समाज में जैसे चारागाह, बन्दर, खलिहान आदि की शेष बची भूमि को ग्रामीण भूमिहीनों को मकान बनाने व कृषि कार्यों के लिये वितरित किया जाता है।

## 2. अध्ययन का उद्देश्य :

इस शोध का मुख्य उद्देश्य उत्तर प्रदेश के ग्रामीण क्षेत्रों में भूमि आवंटन की प्रक्रिया, भूमि आवंटन का उद्देश्य, आवंटित भूमि में भौतिक कब्जे की स्थिति व इसका उपयोग तथा

भूमि आवंटन का अधिकार समय, व गुणात्मक प्रभावों को देखना है। रजिस्टरेशन 2 भूमि आवंटन प्रक्रिया को किस तरह अधिक सुगम बनाया जाय इसके सम्बन्ध में उत्तरदाताओं के सुझावों को प्रस्तुत किया गया है।

### 3. जिलों व गांवों के चयन का आधार व नमूना आकार :

सर्वप्रथम राजस्व परिषद उत्तर प्रदेश, लखनऊ के कार्यालय से सीलिंग व ग्राम समाज की आवंटित भूमि के आंकड़े प्राप्त किये गये। आंकड़ों का विश्लेषण क्षेत्रवार किया गया और जिस क्षेत्र के जिले में सबसे अधिक भूमि का आवंटन हुआ है उसका चयन किया गया। इस प्रकार पूर्वी क्षेत्र से सुल्तानपुर, पश्चिमी क्षेत्र से एटा, मध्य क्षेत्र से हरदोई बुन्देलखण्ड से झांसी एवं तराई क्षेत्र से लखीमपुर खीरी जिले का चयन किया गया।

जिलों के चयन के बाद सम्बन्धित जिलों के अधिकारियों की सहायता से जिले के जिस तहसील में सबसे अधिक भू आवंटन हुआ है उनका चयन किया गया। तहसीलों के चयन की प्रक्रिया की तरह प्रत्येक तहसील से दो-दो गांवों का चयन किया गया और प्रत्येक गांव से कम से कम 25 लाभार्थियों का चयन किया गया। कुल मिलाकर हमने 5 जिले, 5 तहसील, 10 गांव व 279 लाभार्थियों का चयन किया। हमारे चयनित प्रतिदर्श का क्षेत्र व आकार निम्न तालिका में दिखाया गया है।

#### सर्वेक्षण के प्रतिदर्श का क्षेत्र व आकार

क्र सं.	जिला	तहसील / विकास खण्ड	गांव	आवंटियों की संख्या		
				पुरुष	स्त्री	कुल
1.	लखीमपुर	<u>लखीमपुर</u> 1. लखीमपुर 2. फूल बेहा	1. सैदापुर देवकली 2. सफीपुर	28 25	1 2	29 27
2.	हरदोई	<u>सण्डीला</u> 1. सण्डीला 2. भरावन	1. बेगमगंज 2. सहगवां	29 26	1 1	30 27
3.	सुल्तानपुर	<u>सदर</u> 1. धनपतगंज 2. कुड़ेभार	1. जज्जौर 2. सैफुलागंज	28 22	2 3	30 25
4.	एटा	<u>सदर</u> 1. शीलतपुर	1. पुरा 2. किलरमऊ	30 30	— —	30 30
5.	झांसी	<u>सदर</u> 1. बबीना	1. खैलार 2. सैयर	24 23	2 2	25 25
कुल	जिले-5	तहसील-5 विकास खण्ड.8	गांव-10	265	14	279

#### 4. उत्तर प्रदेश नवयान जिलों व गांवों में भूमि आवंटन की रूपरै

तालिका संख्या-1 में उत्तर प्रदेश के चयनित जिलों में ग्राम समाज की भूमि का वर्ष 1975-76 से मार्च 2008 तक के क्रमिक आवंटन को दर्शाया गया है। सामान्यतः गांव में उपलब्ध अतिरिक्त भूमि का वितरण गांव में गठित भूमि प्रबन्ध कमेटी के प्रस्ताव पर सम्बन्धित तहसील के परगना अधिकारी (एस.डी.एम.) द्वारा गांव के भूमिहीनों, अनुसूचित जाति व अनुसूचित जनजाति के लोगों, गांव के गरीब वर्गों, कृषि श्रमिकों व गांव में बसे शिल्पकारों व दस्तकारों को कृषि व आवास बनाने के लिये भूमि का आवंटन किया जाता है। इस योजना के तहत गांव के गरीब लोगों को जमींदारी उन्मूलन व भूमि सुधार अधिनियम 1950 के तहत न्यूनतम 1.26 हैक्टेयर कृषि योग्य भूमि देने का प्राविधान किया गया है। इसके अलावा जिस ग्रामवासी के पास आवास उपलब्ध नहीं उनको 100-150 वर्ग गज भूमि देने का प्राविधान है। तालिका-1 को देखने से ज्ञात होता है कि उत्तर प्रदेश में कुल आवंटित भूमि के लाभार्थियों में लगभग 56.0 प्रतिशत अनुसूचित जाति, 0.08 प्रतिशत अनुसूचित जनजाति, लगभग 26.0 प्रतिशत पिछड़ी जाति तथा लगभग 16.0 प्रतिशत लाभार्थी अन्य जाति के हैं। अन्य जाति में सैनिकों को भी सम्मिलित किया गया है। यदि हम जिलेवार देखें तो सबसे अधिक भूमि का आवंटन अनुसूचित जाति के लोगों को किया गया है जबकि दूसरे स्थान पर पिछड़ी जातियां हैं जिनको अधिक भूमि का आवंटन हुआ है। जहां तक आवंटित भूमि में कब्जे का प्रश्न है तो उत्तर प्रदेश के सभी आवंटियों के लगभग 0.5 प्रतिशत से कम लोगों को आवंटित भूमि का कब्जा नहीं मिल पाया है। आवंटित भूमि में कब्जा दिलाने में प्रदेश सरकार सफल रही है।

तालिका संख्या-1: उत्तर प्रदेश व चयनित जिलों में ग्राम समाज की भूमि का वर्ष 1975-76 से मार्च 2008 तक क्रमिक आवंटन

जिला / विवरण	अनु० जाति		अनु० जनजाति		पिछड़ी जाति		अन्य जाति		कुल	
	सं०	क्षेत्रफल	सं०	क्षेत्रफल	सं०	क्षेत्रफल	सं०	क्षेत्रफल	सं०	क्षेत्रफल
लखीमपुर %	44871 37.66	21040.98 52.54	413 0.35	319.68 0.80	52775 44.30	9363.22 23.38	21081 17.69	9324.17 23.28	119140 100	40048.06 100.00
आवंटन	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
कब्जा	98.44	98.56	100.00	100.00	98.55	9779.56	100.00	100.00	98.77	2362.33
अवशेष	1.56	1.44	0.00	0.00	1.45	2.20	0.00	0.00	1.23	1.27
हरदोई %	80955 63.17	27747.39 56.63	- 0.00	- 0.00	32576 25.42	14536.47 29.67	14629 11.41	6716.67 13.71	128160 100.00	49000.48 100.00
आवंटन	100.00	100.00	0.00	0.00	100.00	100.00	100.00	100.00	100.00	100.00
कब्जा	100.00	100.00	0.00	0.00	100.00	100.00	99.13	100.00	99.90	100.00
अवशेष	0.00	0.00	0.00	0.00	0.00	0.00	127	0.00	0.10	0.52

सुल्तानपुर %	75997 61.92	141 62.77	0.00	0.00	27963 22.78	4354.72 19.25	18773 15.29	4067.34 17.98	112713 100.00	110.87 100.00
आवंटन	100.00	100.00	0.00	0.00	100.00	100.00	100.00	100.00	100.00	100.00
कब्जा	99.93	99.34	0.00	0.00	100.00	100.00	100.00	100.00	99.96	99.59
अवशेष	0.07	0.66	0.00	0.00	0.00	0.00	0.00	0.00	0.04	0.41
ऐटा %	42681 50.38	23643.17 53.60	- 0.00	- 0.00	24810 29.29	11744.46 26.63	17219 20.33	8722.57 19.77	84710 100.00	44110.21 100.00
आवंटन	100.00	100.00	0.00	0.00	100.00	100.00	100.00	100.00	100.00	100.00
कब्जा	100.00	100.00	0.00	0.00	100.00	100.00	100.00	100.00	100.00	100.00
अवशेष	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
झाँसी %	27067 55.14	23573.50 68.58	- 0.00	- 0.00	16968 34.56	8234.69 23.96	5057 10.30	2665.73 7.46	49092 100	34373.92 100.00
आवंटन	100.00	100.00	0.00	0.00	100.00	100.00	100.00	100.00	100.00	100.00
कब्जा	100.00	100.00	0.00	0.00	99.93	100.00	99.88	99.92	99.96	99.99
अवशेष	0.00	0.00	0.00	0.00	0.00	0.00	0.12	0.08	0.01	0.01
उत्तर प्रदेश %	2076874 56.39	643513.60 55.07	3059 0.08	1866.11 0.16	946216 25.69	335488.96 28.71	656646 17.83	187607.62 16.06	3682795 100	1168496.29 100.00
आवंटन	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
कब्जा	99.92	99.92	100.00	100.00	99.77	99.90	99.90	99.87	99.88	99.91
अवशेष	0.08	0.08	0.00	0.00	0.23	0.10	0.10	0.13	0.12	0.09

स्रोत : राजस्व परिषद, उत्तर प्रदेश, लखनऊ।

तालिका संख्या-2 में उत्तर प्रदेश व चयनित जिलों में संशोधित सीलिंग अधिनियम से उपलब्ध अतिरिक्त भूमि के आवंटन की स्थिति को दर्शाया गया है। भूमि सीलिंग कानून में सन् 1953 में हुए संशोधनों के बाद सरकार ने भूमि जोत सीमा 7.3 हैक्टेयर सिंचित दो फसल, 10.95 हैक्टेयर सिंचित एक फसली तथा 18.25 हैक्टेयर 'असिंचित भूमि' रखी है, जो अतिरिक्त भूमि सरकार को इस अधिनियम से प्राप्त होती है उसको ग्रामीण भूमिहीनों या जिनके पास थोड़ी सी ज़मीन है उनमें वितरित कर दिया जाता है। उत्तर प्रदेश में भूमि सीलिंग से उपलब्ध कुल भूमि का लगभग 69.0 प्रतिशत भूमि अनुसूचित जाति, लगभग 31.0 प्रतिशत भूमि अन्य जातियों तथा 1.0 प्रतिशत से भी कम भूमि अनुसूचित जनजाति के लोगों में वितरित की गयी है। लगभग यही स्थिति हमारे चयनित जिलों की भी है।

यह दुर्भाग्य का विषय है कि भूमि सीलिंग एकट के तहत कुल 83853 मुकदमें हुए जिसमें से कुछ मुकदमें खारिज हो गये और 50334 मुकदमों का निस्तारण मार्च 2008 तक किया जा चुका है। जबकि अभी 421 वादों का निस्तारण होना है व 13243 हैक्टेयर भूमि का बन्दोबस्त करना शेष है। सौभाग्य से हमारे चयनित जिलों हरदोई व झांसी में भूमि सीलिंग

सम्बन्धित सभी वादों का निस्तारण करना उचित जल्दी में भी वादों का निस्तारण कार्य रह गया है।

तालिका संख्या-2: उत्तर प्रदेश व चयनित ज़िलों में संशोधित सीलिंग अधिनियम से उपलब्ध अतिरिक्त भूमि की आवंटन की स्थिति (मार्च 2008 तक)

3. सुल्तानपुर								
कुल खातेदारों की संख्या जिनके विरुद्ध सीलिंग कार्यवाही की गयी							627	4803
कब्जे में ली गई भूमि में से निर्बल व्यक्तियों को वितरित की गई भूमि	3766 (72.44)	2826.3 (73.89)	0	0	1433 (27.56)	998.36 (26.11)	5199 (100.0)	3824.66 (100.0)
नियत प्राधिकारी न्यायालय को निस्तारण हेतु प्राप्त कुल वाद							936	6645
नियत प्राधिकारी न्यायालय से निस्तारित वाद							376	4061
अवशेष वादों की कुल संख्या							7	21
कुल अवशेष भूमि का क्षेत्रफल जिसका बन्दोबस्त शेष है।								अनुलब्ध
4. एटा								
कुल खातेदारों की संख्या जिनके विरुद्ध सीलिंग कार्यवाही की गयी								अनुलब्ध
कब्जे में ली गई भूमि में से निर्बल व्यक्तियों को वितरित की गई भूमि	अनुलब्ध	अनुलब्ध	अनुलब्ध	अनुलब्ध	अनुलब्ध	अनुलब्ध	अनुलब्ध	अनुलब्ध
नियत प्राधिकारी न्यायालय को निस्तारण हेतु प्राप्त कुल वाद							अनुलब्ध	अनुलब्ध
नियत प्राधिकारी न्यायालय से निस्तारित वाद							अनुलब्ध	अनुलब्ध
अवशेष वादों की कुल संख्या							अनुलब्ध	अनुलब्ध
कुल अवशेष भूमि का क्षेत्रफल जिसका बन्दोबस्त शेष है।							अनुलब्ध	अनुलब्ध

<b>5.झाँसी</b>								
कुल खातेदारों की संख्या जिनके विरुद्ध सीलिंग कार्यवाही की गयी							853	1027
कब्जे में ली गई भूमि में से निर्बल व्यक्तियों को वितरित की गई भूमि	2525 (72.72)	2887.41 (73.08)		0	947 (27.28)	1063.4 (26.92)	3472 (100.0)	3951.81 (100.0)
नियत प्राधिकारी न्यायालय को निस्तारण हेतु प्राप्त कुल वाद			0				1337	3915
नियत प्राधिकारी न्यायालय से निस्तारित वाद							966	9814
अवशेष वादों की कुल संख्या							0	0
कुल अवशेष भूमि का क्षेत्रफल जिसका बन्दोबस्त शेष है।								167
<b>6.उत्तर प्रदेश</b>								
कुल खातेदारों की संख्या जिनके विरुद्ध सीलिंग कार्यवाही की गयी							48466	793474
कब्जे में ली गई भूमि में से निर्बल व्यक्तियों को वितरित की गई भूमि	199453 (68.92)	168443 (68.90)	505 (0.17)	985.4 (0.40)	89434 (30.92)	75095 (30.91)	289392 (100.0)	244524 (100.0)
नियत प्राधिकारी न्यायालय को निस्तारण हेतु प्राप्त कुल वाद							83852	1024102
नियत प्राधिकारी न्यायालय से निस्तारित वाद							50334	504154
अवशेष वादों की कुल संख्या							421	1516
कुल अवशेष भूमि का क्षेत्रफल जिसका बन्दोबस्त शेष है।								13243

स्रोत : राजस्व परिषद, उत्तर प्रदेश, लखनऊ।

तालिका संख्या 3 न चयनित गांवों में भूमि आवंटन के रूपान्तर, प्रति लाभार्थी भूमि आवंटन, आवंटित भूमि पर भौतिक कब्जा न पा सके आवंटी, आवंटियों द्वारा आवंटित भूमि का विक्रय तथा अपात्र व्यक्तियों व फर्जी नाम से किये गये भूमि आवंटन को दर्शाया गया है। हमारे चयनित गांवों में कुल 933 लोगों को भू-आवंटन किया गया है जिनमें से सबसे अधिक लाभार्थी पिछड़ी जाति (62.27 प्रतिशत) के तथा दूसरे स्थान पर अनुसूचित जाति (34.30) के लाभार्थी हैं जबकि अनुसूचित जनजाति व सामान्य जाति के लाभार्थी 3.0 प्रतिशत से भी कम हैं। जहां तक औसत भूमि के आवंटन का प्रश्न है अनुसूचित जाति व पिछड़ी जाति को एक एकड़ से अधिक तथा अनुसूचित जनजाति को 3 एकड़ से अधिक भूमि का आवंटन हुआ है जबकि सामान्य जाति के लोगों को 1.0 एकड़ से कम भूमि का आवंटन हुआ है। यदि हम जिलेवार देखें तो हरदोई व सुल्तानपुर में सभी जातियों को एक एकड़ से कम तथा अन्य जिलों में एक एकड़ से अधिक भूमि का आवंटन हुआ है।

### तालिका संख्या :3 चयनित जिलों के गांवों में जातिवार भूमि आवंटन का विवरण

क्र सं 0	जिला / जाति	भूमि आवंटन			भौतिक कब्जा प्राप्त न किये		आवंटी द्वारा बेची गयी भूमि		अपात्र / फर्जी नाम से आवंटन	
		लाभार्थी	क्षेत्रफल (एकड़)	औसत क्षेत्रफल	लाभार्थी	क्षेत्रफल (एकड़)	लाभार्थी	क्षेत्रफल (एकड़)	लाभार्थी	क्षेत्रफल (एकड़)
1.	<b>लखीमपुर</b>									
	अनु० जाति	72	142.09	1.97	1	.60	9	15.13	1	0.468
	अनु० जनजाति	-	-	-	-	-	-	-	-	-
	पिछड़ी जाति	23	21.67	1.20	-	-	4	4.60	-	-
	सामान्य	2	1.62	0.81	-	-	-	-	-	-
	कुल	97	171.38	1.77	1	.60	13	19.73	1	0.468
2.	<b>हरदोई</b>									
	अनु० जाति	33	28.71	0.87	-	-	2	1.72	-	-
	अनु० जनजाति	-	-	-	-	-	-	-	-	-
	पिछड़ी जाति	63	61.03	0.97	-	-	4	5.91	-	-
	सामान्य	2	1.62	0.81	-	-	-	-	-	-
	कुल	98	91.36	0.93	-	-	6	7.63	-	-
3.	<b>सुल्तानपुर</b>									
	अनु० जाति	38	36.63	0.96	1	4.48	11	12.10	2	0.74
	अनु० जनजाति	-	-	-	-	-	-	-	-	-
	पिछड़ी जाति	112	64.17	0.57	5	1.88	14	9.51	20	6.62
	सामान्य	6	2.07	0.35	-	-	-	-	6	2.07
	कुल	156	102.87	0.66	6	6.36	25	21.61	28	9.43

4.	एटा									
	अनु० जाति	135	187.40	1.39	3	6.30	-	-	-	-
	अनुसू० जनजाति	-	-	-	-	-	-	-	-	-
	पिछड़ी जाति	337	352.75	1.05	5	13.50	1	0.50	-	-
	सामान्य	5	6.80	1.36	-	-	-	-	-	-
	कुल	477	546.95	1.15	8	19.80	1	0.50	-	-
5.	ज्ञांसी									
	अनु० जाति	42	118.13	2.81	3	5.20	2	4.5	-	-
	अनु०जनजाति	17	58.57	3.45	-	-	-	-	-	-
	पिछड़ी जाति	46	121.33	2.64	3	6.0	4	16.39	-	-
	सामान्य	-	-	-	-	-	-	-	-	-
	कुल	105	298.03	2.81	6	11.20	6	20.89	-	-
6.	कुल									
	अनु० जाति	320	512.96	1.60	8	16.58	24	33.45	3	1.208
	अनु०जनजाति	17	58.57	3.45	-	-	-	-	-	-
	पिछड़ी जाति	581	620.95	1.07	13	21.38	27	36.91	20	6.62
	सामान्य	15	12.11	0.81	-	-	-	-	6	2.07
	कुल	933	1204.59	1.29	21	37.96	51	70.36	29	9.898

खोल : चयनित गांवों के लेखपालों द्वारा प्रदत्त सूची के आधार पर।

यह दुर्भाग्यपूर्ण है कि हमारे 21 (2.25 प्रतिशत) आवंटी दबंगों व सरकारी सहायता व सहयोग न मिलने से आवंटित भूमि पर कब्जा नहीं पा सके हैं। हमारे चयनित गांवों के 51(5.47 प्रतिशत)लाभार्थियों ने आवंटित भूमि को बेच दिया है। लेखपाल द्वारा प्रदत्त सूची से ज्ञात हुआ है कि लेखपालों द्वारा फर्जी नाम से व अपात्र व्यक्तियों को प्रधान की सहमति से भूमि आवंटन कर दिया जाता है और बाद में उस जमीन को बेच दिया जाता है।

## 5. उत्तरदाताओं की सामाजिक व जनांककीय विशेषतायें :

तालिका संख्या-4 में उत्तरदाताओं की जाति, धर्म, आयु वर्ग तथा शैक्षिक स्तर को दर्शाया गया है। हमारे अध्ययन के अधिकतर उत्तरदाता अनुसूचित जाति (46.25 प्रतिशत) तथा पिछड़ी जाति (47.67 प्रतिशत) के हैं। अनुसूचित जनजाति के (3.95 प्रतिशत) उत्तरदाता सिर्फ जनपद ज्ञांसी के हैं। सामान्य जाति के 1.43 प्रतिशत उत्तरदाता केवल लखीमपुर, हरदोई व सुल्तानपुर जिले के हैं। हमारे सर्वेक्षण में लगभग 87.0 प्रतिशत उत्तरदाता हिन्दू व लगभग 13.0 प्रतिशत मुस्लिम है। मुस्लिम उत्तरदाताओं की संख्या हरदोई में सबसे अधिक है।

तालिवन् ५. उत्तरदाताओं की विशेषताएं

क्र. सं०	विशेषताएं	लखीमपुर खीरी	हरदोई	सुलतानपुर	एटा	झांसी	कुल
<b>1. उत्तरदाताओं की जाति</b>							
	अनुसूचित जाति	46 (82.14)	12 (21.05)	22 (40.00)	25 (41.67)	26 (50.98)	131(46.95)
	अनुसूचित जनजाति	-	-	-	-	11 (21.57)	11 (3.95)
	पिछड़ी जाति	9 (16.07)	43 (75.44)	32 (58.18)	35 (58.33)	14 (27.45)	133 (47.67)
	सामान्य जाति	1(1.79)	2 (3.51)	1(1.82)	-	-	4 (1.43)
	कुल	56(100.0)	57 (100.0)	55 (100.0)	60 (100.0)	51 (100.00)	279(100.0)
<b>2. उत्तरदाताओं का धर्म</b>							
	हिन्दू	52 (92.86)	40 (70.18)	43 (78.48)	57(95.00)	50(98.04)	242(86.74)
	मुस्लिम	4 (7.14)	17 (29.82)	12 (21.82)	3 (5.00)	1(1.96)	37(13.26)
<b>3. उत्तरदाताओं का आयु वर्ग</b>							
	25 से कम	1 (1.79)	-	2 (3.64)	1(1.67)	2 (3.92)	6 (2.15)
	25-45	20 (35.7)	27 (47.37)	14 (25.45)	31(51.66)	24 (47.06)	116 (41.58)
	45-60	16 (28.57)	21 (36.84)	17 (30.91)	25(41.67)	15 (29.41)	94 (33.69)
	60 से अधिक	19 (33.93)	9 (15.79)	22 (40.00)	3 (5.00)	10 (19.61)	63 (22.58)
<b>4. उत्तरदाताओं का शैक्षिक स्तर</b>							
	अशिक्षित	36 (64.29)	33 (57.89)	35 (63.64)	14 (23.33)	28 (54.90)	146(52.33)
	साक्षर	5 (8.93)	4 (7.03)	5 (9.09)	6 (10.00)	6 (11.76)	26 (9.32)
	उच्च प्राथमिक तक	15 (26.78)	16 (28.07)	15 (27.27)	24 (40.00)	12 (23.53)	82 (29.39)
	माध्यमिक	-	3 (5.26)	-	14 (23.33)	4 (7.85)	21 (7.53)
	स्नातक / परास्नातक	-	1 (1.75)	-	2 (3.34)	1 (1.96)	4 (1.43)
<b>5. परिवार का आकार</b>							
	पुरुष	106	112	139	121	93	571
	स्त्री	97	92	111	106	82	488
	लड़के	80	92	99	85	68	424
	लड़कियाँ	80	69	74	90	61	374
	कुल	363	365	423	402	304	1857
	परिवार का औसत आकार	6.48	6.40	7.69	6.70	5.96	6.66

हमारे लगभग 42.0 प्रतिशत उत्तरदाताओं की आयु 25-45 वर्ष के बीच है जबकि लगभग 56.0 प्रतिशत उत्तरदाता 45 वर्ष से अधिक आयु के हैं। कुल उत्तरदाताओं में लगभग 52.0 प्रतिशत उत्तरदाता अशिक्षित हैं जबकि लगभग 29.0 प्रतिशत उत्तरदाता कक्षा 8 तक पढ़े हैं। लगभग 9.0 प्रतिशत उत्तरदाता माध्यमिक व उससे अधिक शिक्षा प्राप्त है। हमारे अध्ययन के सभी परिवारों का औसत आकार 6.66 व्यक्ति है और लिंगानुपात 866 है।

## 6. उत्तरदाताओं का व्यवसाय व सहायक आय :

तालिका संख्या-5 में उत्तरदाताओं के मुख्य व सहायक व्यवसाय को दर्शाया गया है। तालिका से ज्ञात होता है कि कृषि व पशुपालन से पूर्ण रोजगार व अधिक आय प्राप्त न होने के कारण लगभग 43.0 प्रतिशत उत्तरदाता गैर कृषि मजदूरी को अपना मुख्य व्यवसाय बनाये हैं जबकि कृषि व पशुपालन को लगभग 41.0 प्रतिशत लोग अपना मुख्य व्यवसाय बनाये हुए हैं। सर्वेक्षण में यह भी ज्ञात हुआ है कि जो लोग मजदूरी को अपना मुख्य व्यवसाय बनाये हैं उनका सहायक व्यवसाय कृषि है। इसी के उलट कृषि को मुख्य व्यवसाय बनाये उत्तरदाताओं का सहायक व्यवसाय कृषि श्रमिक व गैर कृषि श्रमिक रहा है। स्वरोजगार व नौकरी को लगभग 13.0 प्रतिशत उत्तरदाता अपना मुख्य व्यवसाय बनाये हैं। यदि हम जिलेवार देखें तो सुल्तानपुर व झांसी जिले को छोड़कर शेष जिलों के उत्तरदाताओं का मुख्य व्यवसाय कृषि है जबकि इन जिलों के लगभग 52-53 प्रतिशत उत्तरदाताओं का मुख्य व्यवसाय गैर कृषि मजदूरी है।

तालिका संख्या-5 उत्तरदाताओं का मुख्य एवं सहायक व्यवसाय

क्र सं०	व्यवसाय	लखीमपुर खीरी		हरदोई		सुलतानपुर		एटा		झांसी		कुल	
		मु०	सहायक	मु०	सहायक								
1. कृषि / पशुपालन	34 (60.71)	20 (38.46)	31 (54.39)	30 (57.69)	4 (7.27)	25 (48.08)	43 (71.67)	20 (33.33)	2 (3.92)	29 (60.42)	114 (40.86)	124 (46.97)	
2. कृषि श्रमिक	3 (5.36)	12 (23.08)	-	2 (3.85)	8 (14.55)	10 (19.23)	-	9 (15.00)	-	15 (31.25)	11 (3.94)	48 (18.18)	
3. अकृषि श्रमिक	18 (32.14)	19 (36.54)	14 (24.56)	18 (34.62)	29 (52.73)	16 (30.77)	15 (25.00)	31 (51.67)	43 (84.32)	4 (8.33)	119 (42.66)	88 (33.33)	
4. स्वरोजगार	-	1 (1.92)	11 (19.30)	2 (3.84)	11 (20.00)	1 (1.92)	-	-	3 (5.88)	-	25 (8.96)	4 (1.52)	
5. नौकरी	1 (1.79)	-	1 (1.57)	-	3 (5.45)	-	2 (3.33)	-	3 (5.88)	-	10 (3.58)	-	
कुल	56 (100.0)	52 (100.0)	57 (100.0)	52 (100.0)	55 (100.0)	52 (100.0)	60 (100.0)	60 (100.0)	51 (100.0)	48 (100.0)	279 (100.0)	264 (100.0)	

तालिका संख्या-6 में उत्तरदाताओं के प्रति परिवार के आय के विभिन्न खोतों को दर्शाया गया है। तालिका से ज्ञात होता है कि हमारे चयनित परिवारों के आय का मुख्य खोत लोगों का गैर कृषि (37.12 प्रतिशत) श्रमिक के रूप में विभिन्न निर्माण कार्यों से मजदूरी प्राप्त करना रहा है। जनपद झांसी के प्रति परिवार को लगभग 71.0 प्रतिशत आय गैर कृषि कार्यों से हो रही है। आय का दूसरा प्रमुख खोत आवंटित भूमि में खेती करना रहा है क्योंकि लगभग एक

पांचाई जात आवादत भूमि से हो रही है। यदि हम जिलान्सर पर्सें तो उनपंद लखीमपुर, हरदोई एटा में आवंटित भूमि से सबसे अधिक (क्रमशः लगभग 46.0 प्रतिशत, लगभग 25.0 प्रतिशत व लगभग 38.0 प्रतिशत) आय प्राप्त हो रही है। जबकि सुलतानपुर व झांसी में आवंटित भूमि का योगदान कम देखा गया है, इन जिलों के 20 परिवारों द्वारा आवंटित भूमि पर खेती न करना भी इसका कारण रहा है। हरदोई व एटा जिलों में स्वयं की भूमि से लगभग एक चौथाई आय प्राप्त हो रही है और कुल मिलाकर स्वयं की खेती से पारिवारिक आय में लगभग 20.0 प्रतिशत का योगदान रहा है। कृषि श्रमिक, नौकरी, पेंशन, स्वरोजगार आदि से भी चयनित परिवारों को आय प्राप्त हो रही है। कुल मिलाकर प्रति परिवार विभिन्न खोतों से रुपया 28598 वार्षिक आय हो रही है।

तालिका संख्या-6 विभिन्न खोतों से प्रति परिवार आय

क्र. सं०	विशेषतायें	लखीमपुर खीरी	हरदोई	सुलतानपुर	एटा	झांसी	कुल
1.	कृषि (स्वयं की)	3505 (16.2)	6471 (23.57)	4400 (13.90)	5423 (25.11)	-	5612 (19.62)
2.	कृषि (आवंटित भूमि से)	9949 (45.95)	6953 (25.33)	3894 (12.30)	8221 (38.06)	5123 (14.37)	6588 (23.04)
3.	कृषि श्रमिक	2204 (10.18)	196 (0.71)	3124 (9.87)	126 (0.58)	1198 (3.36)	1344 (4.70)
4.	अकृषि श्रमिक	5428 (25.07)	6674 (24.31)	10196 (32.20)	7154 (33.12)	25246 (70.82)	10616 (37.12)
5.	स्वरोजगार	89 (0.41)	3774 (13.74)	5704 (18.01)	-	608 (1.71)	2024 (7.08)
6.	नौकरी	257 (1.19)	1316 (4.79)	2509 (7.92)	410 (1.90)	3331 (9.34)	1512 (5.29)
7.	पशुपालन	152 (0.70)	2074 (7.55)	827 (2.61)	266 (1.23)	-	674 (2.36)
8.	अन्य(जाति व्यवसाय / पेंशन	64 (0.30)	-	1011 (3.19)	-	141 (0.40)	228 (0.80)
9.	कुल आय	21648 (100.0)	27458 (100.00)	31665 (100.00)	21600 (100.00)	35647 (100.00)	28598 (100.00)

## 7. उत्तरदाताओं के भूमि जोत का आकार :

तालिका संख्या-7 में उत्तरदाताओं को कुल आवंटित भूमि, स्वयं की भूमि, आवंटित भूमि में भौतिक कब्जा, कुल कृषि की गयी भूमि तथा औसत जोत आकार को दर्शाया गया है। तालिका से ज्ञात होता है कि जहां उत्तरदाताओं के पास आवंटन से पूर्व औसतन मात्र 0.21 एकड़ भूमि थी अब उनका औसत जोत आकार 1.48 एकड़ हो गया है। कुल मिलाकर प्रति परिवार वर्तमान में औसतन 1.48 एकड़ पर खेती कर रहे हैं। जिसमें से औसतन 0.99 (67.29

आवंटन, एकड़ भूमि सिंचित है। सभी जिलों में औसत 1.44 एकड़ भूमि आवंटित की गयी है जिसमें से औसत 0.92 एकड़ भूमि सिंचित है। तालिका से यह भी ज्ञात होता है कि कुल आवंटित भूमि में से मात्र लगभग 6.0 प्रतिशत आवंटित भूमि में आवंटियों को भौतिक कब्जा नहीं मिल पाया है। इस दृष्टि से उत्तर प्रदेश में भूमि आवंटन कार्यक्रम को सफल माना जायेगा। यदि हम जिलेवार देखें तो एक तरफ जहां ज्ञांसी जिले में औसतन 2.5 एकड़ भूमि का आवंटन हुआ है और लगभग 10.0 प्रतिशत भूमि पर कब्जा नहीं मिला है, वहीं दूसरी तरफ सुलतानपुर में मात्र 0.73 एकड़ भूमि का आवंटन हुआ है उसमें से भी लगभग 6.0 प्रतिशत भूमि लोगों को भौतिक कब्जा नहीं मिला है। इसका मुख्य कारण आवंटियों को नदी किनारे बाढ़ प्रभावित क्षेत्र में भूमि आवंटन करना रहा है। जनपद लखीमपुर में भी लगभग 6.0 प्रतिशत भूमि अन्य लोगों के कब्जे में होने के कारण आवंटियों को भौतिक कब्जा नहीं मिल पाया है।

तालिका संख्या -7 उत्तरदाताओं के भूमि जोत का आकर (एकड़ में)

क्र सं०	विशेषतायें	लखीमपुर खीरी		हरदोई		सुलतानपुर		एटा		ज्ञांसी		कुल	
		कुल	सिंचित	कुल	सिंचित	कुल	सिंचित	कुल	सिंचित	कुल	सिंचित	कुल	सिंचित
1.	स्वयं की भूमि	1.44	1.44	18.35	18.35	2.80	2.55	35.05	35.05	-	-	57.64 (0.21)	57.39 (0.20)
2.	कुल आवंटित भूमि	76.54	76.54	59.16	59.16	42.33	15.65	86.05	58.29	129.26	18.55	393.24 (1.41)	255.95 (0.92)
3.	कब्जा प्राप्त भूमि	70.17	70.17	59.06	59.06	37.36	15.65	85.65	58.29	119.06	18.55	371.30 (1.33)	221.72 (0.79)
4.	भूमि जिसमें कब्जा नहीं मिला	6.37	6.37	0.10	0.10	4.87	-	0.40	0.40	10.20	-	21.94 (5.58 %)	6.87
5.	कब्जा प्राप्त भूमि पर खेती	68.73	68.73	58.96	58.96	32.49	15.65	85.25	57.89	108.86	18.55	354.29	219.78
6.	कुल कृषि की गयी भूमि	70.17	70.17	77.31	77.31	35.29	18.20	120.30	92.94	108.86	18.55	411.93	277.17
7.	औसत भूमि जोत का आकार	1.28		1.36		0.73		2.01		2.53		1.48	

टिप्पणी : कोष्ठक में दिये गये अंक औसत भूमि क्षेत्रफल को दर्शाते हैं।

## 8. आवंटित भूमि परा ज्ञात, आकार एवं आवंटन पटटा मिला का रूपान् :

हमारे चयनित जिलों के गांवों में केवल सीलिंग व ग्राम समाज की भूमि का आवंटन लाभार्थियों को किया गया है। इन दोनों खोतों में भी लगभग 88.0 प्रतिशत भूमि ग्राम समाज की तथा शेष भूमि सीलिंग की है। जनपद सुल्तानपुर के चयनित गांवों में सीलिंग की अतिरिक्त भूमि नहीं पायी गयी। यद्यपि भू-आवंटन कृषि, आवास व मछली पालन आदि के लिये किया जाता है। लेकिन हमारे प्रतिदर्श के शत प्रतिशत लाभार्थियों को भूमि का आवंटन कृषि कार्य के लिये हुआ है। भूमि आवंटन से पूर्व प्रति लाभार्थी को कम से कम 1.5 एकड़ भूमि देने का प्राविधान था लेकिन हमारे प्रतिदर्श के लगभग 22.0 प्रतिशत लाभार्थियों को 0.5 एकड़ से कम कृषि भूमि का आवंटन हुआ है। लगभग 26.0 प्रतिशत लाभार्थियों को 0.5 से 1.0 एकड़ तक भूमि का आवंटन हुआ है। अर्थात् कुल 48.0 प्रतिशत लोगों को 1.0 एकड़ से कम भूमि आवंटित हुई है। जनपद लखीमपुर, हरदोई व सुल्तानपुर में आधे व एक एकड़ से कम भूमि प्राप्त करने वाले आवंटियों की संख्या क्रमशः 31.0 से 33.0 प्रतिशत तक है। हमारे प्रतिदर्श में सबसे अधिक लाभार्थी (33.33 प्रतिशत) 1.0 से 2.0 एकड़ के समूह में हैं लेकिन जिलेवार एटा व झांसी के सबसे अधिक लाभार्थी इस वर्ग में हैं। 2.0 से 3.0 एकड़ तक भूमि प्राप्त करने वाले लाभार्थियों की संख्या लगभग 13.0 प्रतिशत हैं। इसमें सबसे अधिक लगभग 29.0 प्रतिशत लाभार्थी लखीमपुर के हैं। हमारे प्रतिदर्श में लगभग 6.0 प्रतिशत लाभार्थियों को 3.0 एकड़ से अधिक भूमि का आवंटन हुआ है ये आवंटी एटा जिले के हैं।

अधिकतर लाभार्थियों (43.0 प्रतिशत) को भूमि आवंटन हुए 30 वर्ष से अधिक समय हो गया है जबकि 19.0 प्रतिशत लाभार्थियों को भू-आवंटन हुए 10-15 वर्ष व लगभग 18.0 प्रतिशत को 15-30 वर्ष हो गये हैं। हमारे प्रतिदर्श के लगभग 8.0 प्रतिशत लाभार्थी को भू आवंटन हुए अभी 5-10 वर्ष ही हुए हैं जबकि लगभग 13.0 प्रतिशत लाभार्थियों को भू आवंटन हुए 5 वर्ष से भी कम समय हुआ है। इनमें अधिकतर लाभार्थी सुल्तानपुर व झांसी के हैं। झांसी में 87.5 प्रतिशत व लखीमपुर में 71.0 प्रतिशत लाभार्थियों को भूमि आवंटन हुए 30 वर्ष से अधिक वर्ष हो गये हैं। कुल मिलाकर हमारे प्रतिदर्श के लगभग 79.0 प्रतिशत लाभार्थियों को भूमि आवंटन हुए 10 वर्ष से अधिक का समय हो गया है।

**सामान्यतः** भूमि आवंटन की सूचना गांव में दुगड़गी बजाकर दी जाती है। हमारे प्रतिदर्श के लगभग 42.0 प्रतिशत उत्तरदाताओं ने इस बात को स्थीकारा है। गांव के प्रधान से लगभग 54.0

प्रतिशत व लगभग 4.0 प्रतिशत लाभार्थियों को लेखपाल के माध्यम से भू आवंटन का सूचना मिला है।

साधारणतया चयनित लाभार्थी को आवंटन का पट्टा लेखपाल द्वारा आवंटी के घर में देने का प्राविधान है। लेकिन लेखपाल ग्राम सभा की बैठक में जाकर प्रधान के माध्यम से आवंटियों को पट्टा बैठवा देते हैं। हमारे प्रतिदर्श में भी लगभग 64.0 प्रतिशत पट्टे ग्राम पंचायत की बैठक में तथा लगभग 25.0 प्रतिशत लाभार्थियों को आवंटित भूमि के पट्टे स्वयं दिये हैं। यदि कोई व्यक्ति पंचायत में न पहुँचे व लेखपाल को नहीं मिल पाये तो लोगों को पट्टा लेने तहसील कार्यालय जाना पड़ता है। लगभग 11.0 प्रतिशत लोगों ने इस बात को स्वीकारा है।

#### तालिका संख्या - 8 आवंटित भूमि का स्रोत, उद्देश्य व आकार

स्रोत/उद्देश्य/आकार	लखीमपुर		हरदोई		सुल्तानपुर		एटा		झांसी		कुल	
	संख्या	%	संख्या	%	संख्या	%	संख्या	%	संख्या	%	संख्या	%
<b>1. आवंटित भूमिका स्रोत</b>												
भूमि हदबन्दी (सीलिंग)	18	32.14	2	3.51	-	-	5	8.33	9	17.65	34	12.19
ग्राम समाज	38	67.86	55	96.49	55	100.0	55	91.67	42	82.35	245	87.81
कुल	56	100.0	57	100.0	55	100.0	60	100.0	51	100.0	279	100.0
<b>2. भूमि आवंटन का उद्देश्य</b>												
कृषि	56	100.0	57	100.0	55	100.0	60	100.00	51	100.0	279	100.0
<b>3. आवंटित भूमि का आकार</b>												
0.50 एकड़ से कम	18	32.14	19	33.33	17	30.91	6	10.00	2	3.92	62	22.22
.50 - 1.00	9	16.07	19	33.33	23	41.82	19	31.67	3	5.88	73	26.16
1.00 - 2.00	13	23.22	12	21.06	15	27.27	28	46.67	25	49.02	93	33.33
2.00 - 3.00	16	28.57	7	12.28	-	-	6	10.00	6	11.76	35	12.55
3.00 - ऊपर	-	-	-	-	-	-	1	1.66	15	29.42	16	5.74
<b>4. भूमि आवंटन का वर्ष</b>												
5 वर्ष से कम	-	-	3	5.26	17	30.90	-	-	15	29.41	35	12.54
5-10 वर्ष	7	12.50	4	7.02	-	-	10	16.67	-	-	21	7.53
10-15 वर्ष	-	-	24	42.11	-	-	29	48.33	-	-	53	19.00
15-30 वर्ष	-	-	12	21.05	19	34.55	19	31.67	-	-	50	17.92
30 से अधिक	49	87.50	14	24.56	19	34.55	2	3.33	36	70.59	120	43.01
<b>5. भूमि आवंटन की सूचना का स्रोत</b>												
दुगडुगी बजाकर	26	46.43	50	87.72	-	-	40	66.67	-	-	116	41.58
प्रधान द्वारा	23	41.07	5	8.77	55	100.00	18	30.00	51	100.0	152	54.48
लेखपाल द्वारा	7	12.50	2	3.51	-	-	2	3.33	-	-	11	3.94
<b>6. पट्टा मिलने का स्थान</b>												
ग्राम पंचायत बैठक में	20	35.71	30	52.63	36	65.45	51	85.00	42	82.35	179	64.16
प्रधान द्वारा	34	60.72	17	29.83	19	34.55	-	-	-	-	70	25.09
तहसील कार्यालय	2	3.57	10	17.54	-	-	9	15.00	9	17.65	30	10.75

## 9. आवंटित भूमि का पट्टा प्राप्त करने में कठिनाईयाँ :

नियमतः भूमि आवंटन का पट्टा आवंटन तिथि के सूचना के दो माह के अन्तर्गत आवन्टी को मिल जाना चाहिए। यह भी नियम है कि पट्टा सौंपने लेखपाल स्वयं गांव में जाकर लाभार्थी को सौंपेगा यही कारण है कि हमारे चयनित लगभग 90.0 प्रतिशत लाभार्थियों को आवंटित भूमि का पट्टा एक-दो बार में ही गांव में मिल गया और लगभग 7.0 प्रतिशत को पट्टे तीन से पांच बार में लेखपाल से मिल गये थे लेकिन लगभग 3.0 प्रतिशत पट्टे लाभार्थी के गांव में न होने या लेखपाल के न मिलने पर दर्जनों बार लाभार्थी को दौड़ भाग करनी पड़ती है।

हमारे प्रतिदर्श के चयनित लगभग 80.0 प्रतिशत परिवारों को भू-आवंटन पट्टा 2 माह के अन्दर मिल गया था। जबकि लगभग 13.0 प्रतिशत लाभार्थियों को दो से छः माह और लगभग 7.0 प्रतिशत लाभार्थियों को पट्टा लेने में छः माह से एक वर्ष तक का समय लगा। कुल मिलाकर यदि हम देखें तो कुछ लोगों को छोड़कर अधिकतर लोग नियमानुसार पट्टा पाने में सफल रहे हैं।

भूमि आवंटन का पट्टा देने के बाद हमारे चयनित लगभग 55.0 प्रतिशत लाभार्थियों को जमीन को चिन्हित करके बताया गया, जबकि लगभग 36.0 प्रतिशत लाभार्थियों को दूसरे के कब्जे से भूमि को छुड़ाकर लाभार्थी को दिया गया है। दुर्भाग्य से लगभग 10.0 प्रतिशत लाभार्थियों को मात्र पट्टा मिला पर जमीन का कब्जा नहीं मिल सका।

### तालिका संख्या— 9 पट्टा प्राप्त करने में उत्तरदाताओं की कठिनाईयाँ

कठिनाईयाँ	लखीमपुर		हरदोई		सुल्तानपुर		एटा		झांसी		कुल	
	संख्या	%	संख्या	%	संख्या	%	संख्या	%	संख्या	%	संख्या	%
<b>1. पट्टा लेने में दौड़ भाग</b>												
एक से दो बार	54	96.42	50	87.72	50	90.91	55	91.67	42	82.35	251	89.96
तीन से पांच	1	1.79	6	10.53	5	9.09	3	5.00	5	9.80	20	7.17
दर्जनों बार	1	1.79	1	1.75	—	—	2	3.33	4	7.85	8	2.87
कुल	56	100.0	57	100.0	55	100.0	60	100.0	51	100.0	279	100.0
<b>2. पट्टा लेने में लगा समय</b>												
1 माह से कम	11	19.64	37	64.91	43	78.18	41	68.33	5	9.80	137	49.10
1-2 माह	17	30.36	12	21.05	7	12.73	13	21.67	36	70.59	85	30.47
2-6 माह	13	23.21	5	8.77	4	7.27	5	8.33	10	19.61	37	13.26
6 माह-1 वर्ष	15	26.79	3	5.27	1	1.82	1	1.67	—	—	20	7.17
<b>3. पट्टा देने के बाद खेत बताने का तरीका</b>												
जमीन को चिन्हित कर बताया	30	53.57	12	21.05	25	45.45	37	61.67	48	94.12	152	54.48
जमीन पर कब्जा दिलाया	25	44.64	43	75.44	10	18.18	20	33.33	2	3.92	100	35.84
केवल जमीन का पट्टा मिला	1	1.79	2	3.51	20	36.37	3	5.00	1	1.96	27	9.68

## 10. आवंटित भूमि की स्थिति व भौतिक कब्जा लेने में आयी कठिनाइयां :

तालिका-10 में लाभार्थियों को किस प्रकार की भूमि दी गयी और आवंटित भूमि में कब्जा लेने में किन कठिनाइयों का सामना करना पड़ा, तथा सरकार द्वारा आवंटित भूमि को उपजाऊ बनाने के लिये किस प्रकार की सहायता दी गयी आदि का विवरण प्रस्तुत किया गया है।

तालिका से ज्ञात होता है कि लगभग 69.0 प्रतिशत लाभार्थियों को कृषि योग्य भूमि का आवंटन किया गया है। जबकि लगभग 12.0 प्रतिशत लोगों को लवणयुक्त भूमि आवंटित की गयी है। अध्ययन में यह भी पाया गया है कि हरदोई व एटा में सरकार द्वारा जो लवणयुक्त भूमि आवंटित की थी उसके सुधार के लिये आर्थिक सहायता व भूमि में लवण कम करने के लिये जिप्सम का वितरण लाभार्थियों को किया गया है। चयनित 19.0 प्रतिशत लाभार्थियों को उबड़-खाबड़, बंजर, नदी किनारे की बलुई व जल भराव वाली भूमि का आवंटन किया गया है। जनपद लखीमपुर में (लगभग 4.0 प्रतिशत) लोगों को जलभराव की जमीन मिली है, जबकि सुल्तानपुर में 18 (33.0 प्रतिशत) लोगों को नदी किनारे की बाढ़ग्रस्त जमीन दी गयी। एटा व झांसी जिले के क्रमशः लगभग 13.0 प्रतिशत व लगभग 51.0 प्रतिशत लोगों को उबड़-खाबड़, बंजर व पथरीली जमीन का आवंटन किया गया है।

### तालिका संख्या-10 आवंटित भूमि की स्थिति व भौतिक कब्जा लेने में कठिनाइयां

विशेषताएं	लखीमपुर		हरदोई		सुल्तानपुर		एटा		झांसी		कुल	
	संख्या	%	संख्या	%	संख्या	%	संख्या	%	संख्या	%	संख्या	%
<b>1. आवंटित भूमि का प्रकार</b>												
खेती योग्य	54	96.42	45	78.95	37	67.20	31	51.67	25	49.02	192	68.81
लवणयुक्त	—	—	12	21.06	—	—	21	35.00	—	—	33	11.83
उबड़-खाबड़ / बंजर	2	3.57	—	—	18	32.80	8	13.33	26	50.98	54	19.36
बलुई / बाढ़ग्रस्त	56	100.0	57	100.0	55	100.0	60	100.0	51	100.0	279	100.0
<b>2. आवंटित भूमि में भौतिक कब्जा समय से मिला</b>												
हॉ	44	78.57	53	92.98	46	83.64	51	85.00	47	92.16	241	86.38
नहीं	12	21.43	4	7.02	9	16.36	9	15.00	4	7.84	38	13.62

## 3. गांजी कब्जा लेने में कठिनाइयाँ

कागजी कार्यवाही में दौड़ भाग	-	-	2	50.00	-	-	2	22.22	-	-	4	10.53
घूस की मांग	-	-	-	-	4	44.44	4	22.22	-	-	8	15.79
पुराने कब्जेदार/ दबंगों द्वारा प्रताड़ना	9	75.00	-	-	-	-	1	11.11	2	50.00	12	31.58
प्रशासनिक सहायता न मिलना	2	16.67	2	50.00	-	-	3	33.31	-	-	7	18.42
आवंटित भूमि पर पूरा कब्जा न मिलना खेत दूर मिलना	1	8.33	-	-	5	55.56	1	11.11	2	50.00	9	23.68

## 4. आवंटित भूमि पर पूरा कब्जा न मिलने के कारण

प्रशासनिक सहयोग न मिलना	1	-	-	-	2	40.0	-	-	-	-	3	33.33
दबंगों का कब्जा	-	-	-	-	1	20.00	-	-	2	100.0	3	33.33
घूस की मांग	-	-	-	-	2	40.00	1	100.0	-	-	3	33.33

## 5. आवंटित भूमि को उपजाऊ बनाने हेतु सरकारी सहायता

हॉ	-	-	17	29.82	-	-	34	56.67	-	-	51	18.28
नहीं	56	100.0	40	70.18	55	100.0	26	43.33	51	100.0	228	81.72

## 6. सरकारी सहायता का प्रकार (प्राते परिवार रूपया)

नकद (रूपया)	-	-	550	32	-	-	1300	38	-	-	1850	81
रासायनिक खाद (किग्रा)	-	-	1455	86	-	-	970	29	-	-	2425	11
बीज (किग्रा)	-	-	327	19	-	-	638	19	-	-	965	4
जिप्सम (किग्रा)	-	-	31950	1879	-	-	29350	863	-	-	61300	269

हमने लाभार्थियों से यह भी जानने का प्रयास किया कि क्या उनको आवंटित जमीन का भौतिक कब्जा समय से मिल गया था। लगभग 86.0 प्रतिशत उत्तरदाताओं ने सकारात्मक जवाब दिये जबकि लगभग 14.0 प्रतिशत उत्तरदाताओं को भौतिक कब्जा लेने में अनेक कठिनाइयों का सामना करना पड़ा, जिनमें जमीन में कब्जा किये पुराने कब्जेदार व गांव के दबंग मुख्य हैं जिन्होंने भौतिक कब्जा लेने में लाभार्थियों को डराया और धमकाया। दबंगों का दबाव होने पर भी लगभग 18.0 प्रतिशत लोग प्रशासनिक सहायता न मिलने की शिकायत करते हैं। यदि सहायता की मांग की जाती है तो प्रशासनिक अधिकारियों द्वारा घूस की मांग की जाती है। लगभग 16.0 प्रतिशत लाभार्थी इस बात को स्वीकारते हैं। हमारे अध्ययन के लगभग 24.0 प्रतिशत उत्तरदाताओं ने आवंटित भूमि में पूरा कब्जा न मिलने के साथ-2 आवंटित भूमि एक ही जगह न मिलने की बात की है, जबकि लगभग 11.0 प्रतिशत उत्तरदाता कागजी कार्यवाही में अत्यधिक दौड़ भाग करने की बात को स्वीकारते हैं। आवंटित भूमि में पूरा

कब्जा, लिंगों में आपाटित भूमि पर दबंगों का कब्जा, घूसने का लाभ, व प्रशासनिक सहायता न मिलना जैसे कारण रहें हैं।

आवंटित भूमि को उपजाऊ बनाने के लिए यद्यपि सरकारी सहायता का प्राविधान नहीं है इसी कारण हमारे चयनित 82.0 प्रतिशत लाभार्थियों को किसी भी प्रकार की आर्थिक सहायता नहीं मिली है जबकि जनपद हरदोई व एटा में भूमि सुधार के कार्यक्रम चलने के कारण 18.28 प्रतिशत आवंटियों को नकद, रासायनिक खाद, बीज तथा ऊसर सुधार के लिये जिप्सम का वितरण किया गया है।

### 11. आवंटित भूमि का उपयोग और उसमें खेती करने में कठिनाइयाँ :

तालिका संख्या-11 से ज्ञात होता है कि हमारे चयनित 9 परिवारों (3.23 प्रतिशत) को आवंटित भूमि में पूर्णतया कब्जा नहीं मिल पाया है। जबकि लगभग 97.0 प्रतिशत लाभार्थियों को आवंटित भूमि में पूरा कब्जा मिल चुका है। 87.0 प्रतिशत परिवार आवंटित भूमि में खेती कर रहे हैं इसके साथ-साथ जिन परिवारों को (3.22 प्रतिशत) पूरी आवंटित भूमि प्राप्त नहीं हुई है वे भी आवंटित भूमि का उपयोग कृषि हेतु कर रहे हैं। सुल्तानपुर के लगभग 2.0 प्रतिशत लाभार्थियों ने कुछ जमीन बेच दी है जबकि शेष भूमि में खेती कर रहे हैं। अर्थात् लगभग 93.0 प्रतिशत उत्तरदाता आवंटित भूमि में खेती कर रहे हैं। बाढ़ ग्रस्त क्षेत्र (नदी किनारे की भूमि) तथा पथरीली व उबड़ खाबड़ भूमि होने के कारण क्रमशः सुल्तानपुर के 27.0 प्रतिशत व झांसी के 10.0 प्रतिशत लाभार्थी आवंटित भूमि का खेती हेतु उपयोग नहीं कर रहे हैं। अतः उनकी भूमि बंजर पड़ी हुई है। लखीमपुर जिले के एक लाभार्थी ने आवंटित भूमि में मकान बना लिया है। कुल मिलाकर यदि 93.0 प्रतिशत लाभार्थी कृषि हेतु आवंटित भूमि में खेती कर रहे हैं तो यह भूमि सुधार कानून व प्रशासनिक सहयोग का ही प्रतिफल माना जायेगा।

यद्यपि आवंटित भूमि में लाभार्थियों द्वारा खेती की जा रही है। लेकिन इस भूमि में खेती करने में इन लोगों को अनेक कठिनाइयों का सामना करना पड़ रहा है। लगभग 63.0 प्रतिशत उत्तरदाताओं ने सिंचाई के समय बिजली न मिल पाने, सरकारी ट्यूबवेल न होने तथा सिंचाई लागत अधिक होने के कारण खेती करने में सिंचाई की समस्या को उजागर किया है। जबकि लगभग 58.0 प्रतिशत उत्तरदाता समय पर खाद, बीज उपलब्ध न होने व इनके मूल्य में अत्यधिक वृद्धि की ओर इशारा करते हैं। यदि हम जिलेवार देखें तो सिंचाई की समस्या हरदोई (78.0 प्रतिशत) व झांसी (78.4 प्रतिशत) में सबसे अधिक उत्तरदाताओं ने बतायी है। खाद, बीज की समस्या लखीमपुर को छोड़ अन्य जिलों के लगभग 51 से 72 प्रतिशत उत्तरदाताओं ने बतायी है।

हमारे अध्ययन के लिए 14.0 प्रतिशत उत्तरदाता समय से ट्रैक्टर से जुताइ न करने वाले न हो पाने की बात कहरते हैं। चूंकि सुल्तानपुर, एटा व झांसी के लाभार्थियों को उबड़ खाबड़ वाली भूमि का भी आवंटन हुआ था। आज तक लगभग 10.0 प्रतिशत उत्तरदाता भूमि समतल न हो पाने की बात को रखीकारते हैं, जिस कारण लोगों को फसलों की सिंचाई करने में कठिनाई आती है।

हमने आवंटित भूमि में कृषि उत्पादकता को बढ़ाने के लिये लाभार्थियों से सुझाव मांगे थे लाभार्थियों ने कृषि उत्पादकता को बढ़ाने के लिये सिंचाई, खाद, बीज की व्यवस्था, आसान ब्याज पर ऋण, भूमि समतलीकरण में सहायता एवं किराये के कृषि यंत्रों के उपलब्ध होने पर कृषि उत्पादकता बढ़ने की आवश्यकता बताई है।

तालिका संख्या-11 आवंटित भूमि का उपयोग और उसमें खेती करने में कठिनाइयाँ

विशेषताएं	लखीमपुर		हरदोई		सुल्तानपुर		एटा		झांसी		कुल	
	संख्या	%	संख्या	%	संख्या	%	संख्या	%	संख्या	%	संख्या	%
<b>1. कुल आवंटित भूमि पर कब्जा</b>												
पूरा कब्जा मिला	55	98.21	57	100.0	50	90.91	59	98.33	49	96.08	270	96.77
आधा कब्जा मिला	1	1.79	—	—	5	9.09	1	1.67	2	3.92	9	3.23
कुल	56	100.0	57	100.0	55	100.0	60	100.0	51	100.0	279	100.0
<b>2. आवंटित भूमि का उपयोग</b>												
खेती हेतु	54	96.44	57	100.0	30	54.55	59	98.33	44	86.27	244	87.46
आंशिक खेती व आंशिक को कब्जा नहीं मिला	1	1.78	—	—	5	9.09	1	1.67	2	3.92	9	3.22
भूमि बंजर पड़ी है	—	—	—	—	15	27.27	—	—	5	9.81	20	7.17
आवास बना लिया है	1	1.78	—	—	—	—	—	—	—	—	1	0.36
आंशिक खेती व आंशिक खेती विक्रय	—	—	—	—	5	9.09	—	—	—	—	5	1.79
<b>3. आवंटित भूमि पर खेती करने में कठिनाइयां (बहुविकल्पीय उत्तर)</b>												
कृषि यंत्रों का अभाव	8	14.28	28	49.12	16	39.09	38	63.33	6	11.76	40	14.34
सिंचाई की समस्या	22	39.28	45	78.95	34	61.82	35	58.33	40	78.43	176	63.08
खाद बीज खरीदने की समस्या	21	37.50	37	64.91	36	65.45	43	71.67	26	50.98	163	58.42
भूमि समतलीकरण की समस्या	2	3.57	—	—	3	5.45	8	13.33	15	29.41	28	10.03
जल भराव की समस्या	3	5.36	—	—	—	—	—	—	—	—	3	1.07
<b>4. आवंटित भूमि कृषि उत्पादकता बढ़ाने हेतु सुझाव (बहुविकल्पीय उत्तर)</b>												
सिंचाई की व्यवस्था	35	62.50	27	47.37	32	58.18	27	45.00	43	84.31	164	58.78
खाद बीज की उपलब्धता	31	55.36	42	73.68	37	67.27	38	63.33	8	15.68	156	55.91
ऋण सुविधा	16	28.57	7	12.28	35	63.64	17	28.33	8	15.69	81	29.03
भूमि समतलीकरण	2	3.57	—	—	20	36.36	—	—	28	54.90	50	17.92
कृषि यन्त्रों की उपलब्धता (थ्रेसर, ट्रैक्टर)	6	10.71	19	33.33	—	—	—	33.33	—	—	45	16.13

12. भूमि आवंटन का लाभार्थियों पर परिमाणात्मक व गुणात्मक प्रभाव :

यद्यपि हमने भूमि आवंटन के पूर्व व बाद में कृषि उत्पादकता, प्रति एकड़ उत्पादन व उत्पादन मूल्य को जानने का प्रयास किया लेकिन भूमि आवंटन को 20 से 30 वर्ष तक होने के कारण उत्तरदाताओं के लिये उपरोक्त बातों को पुनः स्मरण करना सम्भव नहीं हो पाया। इसके साथ-2 हमारे उत्तरदाता भूमिहीन भी हैं अतः हमने कृषि में पड़े परिमाणात्मक प्रभाव को जानने के लिये विगत वर्ष स्वयं के खेतों तथा आवंटित खेतों में की गयी खेती के अन्तर को आधार बनाया है और उन्हीं उत्तरदाताओं के माध्यम से परिमाणात्मक प्रभाव जानने का प्रयास किया गया है जिनके पास आवंटन से पूर्व अपनी स्वयं की भूमि थी। गणना के लिये शुद्ध उत्पादन मूल्य को आधार नाया गया है। महायोग में जनपद झांसी को शामिल नहीं किया गया है। क्योंकि इस जनपद के सभी आवंटी भूमि आवंटन से पूर्व भूमिहीन थे।

तालिका 12 से ज्ञात होता है कि हमारे चयनित प्रति आवंटी को कृषि से लगभग 12 हजार रुपया वार्षिक शुद्ध आय हो रही है जिसमें आवंटित भूमि का योगदान लगभग 57.0 प्रतिशत है। जबकि स्वयं की भूमि से लगभग 43.0 प्रतिशत आय हो रही है। हमारे सभी चयनित जिलों में आवंटित भूमि से हो रही आय, निजी भूमि से प्राप्त आय से अधिक देखी गयी है और जनपद झांसी में शत प्रतिशत आय आवंटित भूमि से हो रही है।

तालिका संख्या-12 कृषि में आवंटित भूमि का परिमाणात्मक प्रभाव

जिला	स्वयं की भूमि		आवंटित भूमि		कुल जोती गयी भूमि में शुद्ध उत्पादन मूल्य
	स्वयं की भूमि का क्षेत्रफल	स्वयं की भूमि में प्रति लाभार्थी शुद्ध उत्पादन मूल्य	आवंटित भूमि का क्षेत्रफल	आवंटित भूमि में प्रति लाभार्थी शुद्ध उत्पादन मूल्य	
1. लखीमपुर	1.44		1.99		.
अनाज		4204		7043	11247
दलहन		.		1300	1300
योग		4204 (33.5)		8348 (66.5)	12547 (100.0)
2. हरदोई	18.35		31.0		
अनाज		6203		8051	14253
सब्जियां		109		154	263
योग		6312 (43.5)		8205 (56.5)	14517 (100.0)
3. सुल्तानपुर	2.40		2.40		
अनाज		3522		3559	7081
दलहन		434		650	1084
तिलहन		117		—	117
योग		4073 (49.2)		4209 (50.8)	8282 (100.0)

4. एटा	35.0	65.7		
अनाज		6650	7779	14425
तिलहन		18	98	116
संबिज्यां		33	—	33
योग		6701 (46.0)	7877 (54.0)	14578 (100.0)
5. झांसी	—	129.6		
अनाज		—	3540	3540
तिलहन		—	1699	1699
योग		—	5239 (100.0)	5239 (100.0)
महायोग	57.19	5323 (42.7)	230.69	7158 (57.3)
				12481 (100.0)

तालिका संख्या—13 में हमने चयनित जिलों में गेहूं व धान की औसत पैदावार व प्रति एकड़ उत्पादन मूल्य को दर्शाया है। तालिका के अनुसार सभी चयनित जिलों के गांवों में गेहूं व धान की औसत उत्पादकता लगभग 10 कुन्तल प्रति एकड़ पायी गयी है। जबकि चयनित जिलों में प्रति एकड़ उत्पादकता में भिन्नता पायी गयी है। प्रदेश का तराई क्षेत्र का जिला होने की वजह से लखीमपुर जिले में स्वयं की आवंटित भूमि में प्रति एकड़ उत्पादकता सबसे अधिक देखी गयी है। उसी प्रकार हरदोई व एटा में प्रति एकड़ धान की उत्पादकता चयनित जिलों की औसत उत्पादकता से कम पायी गयी है। जनपद सुल्तानपुर व झांसी में दोनों अनाजों की प्रति एकड़ उत्पादकता चयनित जिलों के औसत उत्पादकता से कम पायी गयी है। जहां तक आवंटित भूमि में प्रति एकड़ उत्पादकता का प्रश्न है एटा व लखीमपुर में धान व गेहूं की उत्पादकता अधिक है। जबकि हरदोई व सुल्तानपुर में आवंटित भूमि में प्रति एकड़ उत्पादकता दोनों फसलों में कम पायी गयी है। सभी जनपदों में गेहूं व धान प्रति एकड़ उत्पादन, जनपदों के औसत उत्पादन के लगभग समान पायी गयी है।

तालिका संख्या—13: चयनित जिलों में गेहूं व धान का प्रति एकड़ उत्पादकता प्रति एकड़ उत्पादन मूल्य

जिला	स्वयं की भूमि		आवंटित भूमि	
	प्रति एकड़ उत्पादन	प्रति एकड़ उत्पादन मूल्य	प्रति एकड़ उत्पादन	प्रति एकड़ उत्पादन मूल्य
1. लखीमपुर				
गेहूं	11.14	9246	12.01	9968
2. हरदोई	धान	13.86	11088	14.21
गेहूं	10.50	8820	9.06	7610
धान	12.20	9882	11.09	
				8983

3. भुल्तानपुर				
गैरहूँ	10.12	8602	9.34	7939
धान	11.47	9004	7.53	5911
4. एटा				
गैरहूँ	10.08	8668	11.21	9641
धान	10.15	7612	12.31	9233
5. झांसी				
गैरहूँ	—	—	9.12	8299
धान	—	—	6.37	5096
6. कुल				
गैरहूँ	10.46	8834	10.15	8691
धान	11.92	9396	10.30	8118

तालिका संख्या-14 में भूमि आवंटन से पूर्व व आवंटन के बाद लाभार्थियों को कृषि व गैर कृषि में मिले रोजगार दिवसों को दर्शाया गया है। जहां भूमि आवंटन से पूर्व आवंटी को मात्र 84 दिन रोजगार मिलता था भूमि आवंटन के बाद उनको 181 दिनों को रोजगार मिलने लगा है अर्थात् उनके कार्यदिवसों में लगभग 215.0 प्रतिशत दिनों की बढ़ोत्तरी हुई है। झांसी जिले के आवंटियों को आवंटित भूमि में वर्तमान में औसतन 182 दिनों का रोजगार मिल गया है जबकि पहले सभी आवंटी भूमिहीन थे। अन्य जिलों के आवंटियों के कार्य दिवसों में दुगुने से ज्यादा वृद्धि हुई है। भूमि आवंटन से पूर्व हमारे उत्तरदाता जहां पहले कृषि श्रमिक व अन्य निर्माण कार्यों में लगकर गैर कृषि कार्य करते थे। अब सरकार द्वारा चलाये गये विभिन्न कार्यक्रमों तथा अन्य जगहों पर गैर कृषि कार्य करते हैं। वर्तमान में इतना अन्तर आया है कि अब वे अपने गांव या नजदीक के गांवों में ही कार्य न करके दूर-2 के गांवों में मजदूरी करने जाते हैं। हमारे चयनित उत्तरदाताओं व परिवार के सदस्यों के गैर कृषि कार्यों में जहां एक ओर स्वयं के रोजगार दिवसों में कमी आयी है वहीं दूसरी ओर परिवार के अन्य सदस्यों के रोजगार दिवसों में वृद्धि हुई है। जिलेवार देखने में भी जहां कृषि में भूमि आवंटन के बाद सभी लाभार्थियों व पारिवारिक सदस्यों के कार्य दिवसों में वृद्धि हुई है वहीं दूसरी तरफ गैर कृषि कार्य दिवसों में भी वृद्धि हुई है, जो लाभार्थियों के आय अर्जन व रोजगार की दृष्टि से एक शुभ संकेत है।

## तालिका संख्या -14 भूमि आवंटन पर राजनारायण प्रभाव

(औसत कार्य दिवस)

जिला	भूमि आवंटन से पूर्व			भूमि आवंटन के बाद		
	कृषि	गैर कृषि	कुल	कृषि	गैर कृषि	कुल
<b>1. लखीमपुर</b>						
स्वयं	83	160	243	160	102	262
परिवार के सदस्य	50	103	153	84	100	184
<b>2. हरदोई</b>						
स्वयं	90	132	222	201	69	270
परिवार के सदस्य	30	100	130	90	129	219
<b>3. सुल्तानपुर</b>						
स्वयं	54	200	254	180	123	303
परिवार के सदस्य	40	88	128	69	170	239
<b>4. एटा</b>						
स्वयं	109	123	232	180	120	300
परिवार के सदस्य	38	65	103	65	180	145
<b>5. झांसी</b>						
स्वयं	—	250	250	182	100	282
परिवार के सदस्य	—	150	150	70	150	220
कुल	—					
स्वयं	84	173	257	181	123	304
परिवार के सदस्य	32	101	133	76	146	222

तालिका संख्या-15 में भूमि आवंटन से लाभार्थी के जीवन पर पड़े गुणात्मक प्रभावों को दर्शाया गया है। तालिका से ज्ञात होता है कि भूमि आवंटन के बाद आवंटियों के जीवन में शत प्रतिशत गुणात्मक प्रभाव पड़ा है लेकिन कुछ में सकारात्मक प्रभाव अधिक व कुछ में कम प्रभाव पड़ा है। जैसे सामाजिक प्रतिष्ठा, आत्मविश्वास में वृद्धि व कर्ज लेने में आसानी में 50.0 प्रतिशत से अधिक गुणात्मक प्रभाव पड़ा है। जिलेवार देखने पर इसमें भिन्नता पाई गयी है। भूमि आवंटन के बाद गांवों में दबंगों द्वारा की जाने वाली दबंगई में काफी कमी आयी है। लगभग 37.0 प्रतिशत उत्तरदाता दबंगई बन्द होने तथा लगभग 62.0 प्रतिशत उत्तरदाता दबंगई में कमी आने की बात को स्वीकारते हैं। जनपद सुल्तानपुर में दबंगई में कमी आयी है। लगभग 44.0 प्रतिशत उत्तरदाता पशु चारा अधिक उपलब्ध होने की बात स्वीकारते हैं। जनपद हरदोई व लखीमपुर में भूमि आवंटन के बाद पशु चारा अधिक मात्रा में उपलब्ध होने लगा है। भूमि आवंटन के बाद लगभग 40.0 प्रतिशत लाभार्थियों ने पक्के घर बना लिए हैं। लखीमपुर व

एटा जिला क. 75 नं. 3 प्रातेशत आवंटियों ने पक्के घर बना। लगभग 32.0 प्रतिशत लोगों को स्वास्थ्य सेवायें लेने में अधिक सुविधा हुई है। हरदोई, एटा व झांसी जनपद के लाभार्थी स्वास्थ्य सुविधा प्राप्त करने में समर्थ हुए हैं। लगभग 40.0 प्रतिशत लाभार्थी बच्चों को शिक्षा देने में अधिक समर्थ हुए हैं। जनपद लखीमपुर, हरदोई व झांसी के आवंटी बच्चों को शिक्षा में अधिक सुविधा होने की बात स्वीकारते हैं। कुल मिलाकर भूमि आवंटन से लाभार्थियों के जीवन पर भूमि आवंटन का सकारात्मक प्रभाव पड़ा है।

तालिका संख्या-15 भूमि आवंटन से लाभार्थी के जीवन पर गुणात्मक प्रभाव

प्रभाव	लखीमपुर		हरदोई		सुल्तानपुर		एटा		झांसी		कुल	
	क्रम	अधिक	क्रम	अधिक								
1. सामाजिक प्रतिष्ठा में वृद्धि	12 (21.43)	42 (75.00)	23 (40.35)	34 (59.65)	47 (85.45)	8 (14.55)	22 (36.67)	38 (63.33)	4 (7.84)	47 (92.16)	108 (38.71)	169 (60.57)
2. आत्म विश्वास में वृद्धि	16 (28.57)	38 (67.87)	18 (31.58)	39 (68.42)	27 (49.09)	28 (50.91)	35 (58.33)	25 (41.67)	40 (78.43)	11 (21.57)	136 (48.75)	141 (50.54)
3. दबंगई में कमी	36 (64.29)	18 (32.14)	35 (61.40)	22 (38.60)	54 (98.18)	1 (1.82)	21 (35.00)	39 (65.00)	27 (52.94)	24 (47.06)	173 (62.01)	104 (37.28)
4. कर्ज लेने में आसानी	39 (69.64)	15 (26.79)	16 (28.07)	41 (71.93)	40 (72.73)	15 (27.27)	23 (38.33)	37 (61.67)	17 (33.33)	34 (66.67)	135 (48.49)	142 (50.90)
5. जानवरों को पालने में सहायता	15 (26.79)	39 (69.64)	17 (29.82)	40 (70.18)	40 (72.73)	15 (27.27)	43 (71.67)	17 (28.33)	40 (78.43)	11 (21.57)	155 (55.56)	122 (43.73)
6. पक्का मकान बनाया	13 (23.21)	41 (73.21)	36 (63.16)	21 (36.84)	55 (100.0)	—	18 (30.00)	42 (70.00)	43 (84.31)	8 (15.69)	165 (59.14)	112 (40.14)
7. स्वास्थ्य में सुधार	40 (71.43)	14 (25.00)	29 (50.88)	28 (49.12)	51 (92.73)	4 (7.27)	35 (58.33)	25 (41.67)	32 (62.75)	19 (37.25)	187 (67.03)	90 (32.25)
8. बच्चों की शिक्षा में सुधार	23 (41.07)	31 (55.36)	30 (52.63)	27 (47.37)	53 (96.36)	2 (3.64)	38 (63.33)	22 (36.67)	21 (41.18)	30 (58.82)	165 (59.14)	112 (40.14)

### 13. भूमि आवंटन प्रक्रिया के सम्बन्ध में उत्तरदाताओं के विचार व सुझाव :

हमने लाभार्थियों से यह जानने का प्रयास किया कि क्या भूमि आवंटन पात्र व्यक्तियों को हुआ है? क्या भूमि आवंटन के बाद आवण्टी भूमि को बेच रहे हैं? क्या भूमि प्रबन्धक कमेटी द्वारा भेदभाव किया जाता है? भूमि आवंटन प्रक्रिया को किस लरह सुगम बनाया जा सकता है? इस सम्बन्ध में लाभार्थियों के सुझावों को तालिका संख्या-16 में दर्शाया गया है।

तालिका संख्या १० भू आवंटन नाक्रेया के सम्बन्ध में उत्तरदाताओं के प्रभार का दृष्टान्त

विचार / सुझाव	लखीमपुर		हरदोई		सुल्तानपुर		एटा		झांसी		कुल	
	संख्या	%	संख्या	%	संख्या	%	संख्या	%	संख्या	%	संख्या	%
<b>भू आवंटन वांछनीय लोगों को हुआ है।</b>												
हॉ	48	85.71	53	92.98	51	92.73	58	96.67	47	92.16	257	92.11
नहीं	8	14.29	4	7.02	4	7.27	2	3.33	4	7.84	22	7.89
कुल	56	100.0	57	100.0	55	100.0	60	100.00	51	100.0	279	100.0
<b>भूमि प्रबन्धक कमेटी भेदभाव करती है ?</b>												
हॉ	16	28.57	14	24.57	8	14.55	3	5.00	4	7.84	45	16.13
नहीं	40	71.43	43	75.43	47	85.45	57	95.00	47	92.16	235	83.87
<b>आवंटन के बाद आवंटी भूमि बेच रहे हैं ?</b>												
हॉ	15	26.79	19	33.33	21	38.18	5	8.33	2	3.92	62	22.22
नहीं	41	73.21	38	66.67	34	61.82	55	91.67	49	96.08	217	77.78
<b>भूमि आवंटन के सम्बन्ध में उत्तरदाताओं के सुझाव</b>												
कृषि योग्य भूमि का आवंटन	16	28.57	10	17.54	34	61.82	29	48.3	37	72.55	126	45.16
भौतिक कब्जा पट्टे के साथ मिले	33	50.93	26	45.61	37	27.27	18	30.00	16	31.37	130	46.59
आवंटी के चयन में उच्च अधिकारी मौजूद रहें	21	37.50	21	36.84	30	54.55	23	38.33	17	33.33	112	40.14
भूमि प्रबन्धक कमेटी की मनमानी पर रोक	27	48.21	20	35.09	30	54.55	38	63.33	21	41.18	136	48.75
कृषि उत्पादकता बढ़ाने हेतु आर्थिक सहायता	12	21.43	19	33.33	17	30.91	26	43.33	32	62.75	106	37.99
आवंटित भूमि एक स्थान पर दी जाय	18	32.14	12	21.05	7	12.73	9	15.00	30	58.82	76	27.24
भ्रष्टाचार पर रोक	9	16.07	29	50.88	43	78.18	16	26.67	18	35.29	115	41.22
पात्र व्यक्ति को भू आवंटन	23	41.07	31	54.39	20	36.36	16	26.67	20	39.22	110	39.43
आवंटित भूमि को बेचने पर रोक	10	17.86	12	21.05	8	14.55	9	15.00	12	23.53	51	18.28

तालिका से स्पष्ट है कि हमारे लगभग 8.0 प्रतिशत उत्तरदाताओं ने अपात्र व्यक्तियों को भूमि आवंटन और लगभग 16.0 प्रतिशत लाभार्थियों ने भूमि प्रबन्धक कमेटी द्वारा भेदभाव करने की बात को स्वीकारा है। यह चिन्ता का विषय है कि सामाजिक न्याय व गरीबी उन्मूलन की दृष्टि से किये गये भूमि आवंटन को कुछ आवंटी कलंकित कर रहे हैं क्योंकि हमारे लगभग 22.0 प्रतिशत उत्तरदाताओं ने बताया कि भूमि में भौतिक कब्जा व पट्टा मिलने के बावजूद

आवन्टी लोग आवन्टित भूमि वा. प. रु. हैं। लखीमपुर, हरदोई व सुल्तानपुर में आवन्टी भूमि को बेचने की प्रवृत्ति अधिक देखी गयी है और भूमि आवंटन में अपात्र व्यक्तियों का प्रतिशत भी इन्हीं जिलों में अधिक है।

भूमि आवंटन की प्रक्रिया को अधिक सरल बनाने के लिए हमारे चयनित लाभार्थियों ने अनेक सुझाव प्रस्तुत किये हैं। लगभग 45.0 प्रतिशत लाभार्थियों ने अवगत कराया कि कृषि योग्य भूमि को आवंटित किया जाय क्योंकि उबड़ खाबड़, बंजर, ऊसर व बाढ़ प्रभावित क्षेत्र में आवंटित भूमि को लाभार्थी अपनी निर्धनता के कारण कृषि योग्य बनाने में असमर्थ रहता है। इांसी, एटा व सुल्तानपुर के अधिकतर आवंटियों ने इस बात की पुष्टि की है। कृषि योग्य भूमि न होने के कारण सुल्तानपुर के 15 व इांसी के 5 आवन्टी जमीन का भौतिक कब्जा मिलने पर भी खेती नहीं कर पा रहे हैं और खेत बंजर पड़े हैं।

लगभग 47.0 प्रतिशत उत्तरदाता पट्टा व जमीन का भौतिक कब्जा एक साथ देने का सुझाव देते हैं क्योंकि पट्टा तो पहले मिल जाता है लेकिन जमीन दूसरे के कब्जे में होने के कारण विवाद पैदा होता है। लखीमपुर के लगभग 51.0 प्रतिशत तथा हरदोई के लगभग 46.0 प्रतिशत उत्तरदाता इस बात की पुष्टि करते हैं। लगभग 40.0 प्रतिशत उत्तरदाताओं ने अवगत कराया कि जिस समय आवन्टी का चयन किया जाय उस समय जिले का बड़ा अधिकारी मौजूद रहना चाहिए क्योंकि भूमि प्रबन्ध कमेटी के द्वारा मनमानी की जाती है, विशेषकर प्रधान जो कि भूमि प्रबन्ध कमेटी का अध्यक्ष होता है वह अपने नातेदारों व अपने पक्ष के लोगों का चयन करता है जबकि पात्र व्यक्ति चयन से बाहर जो जाते हैं।

हमारे चयनित लगभग 38.0 प्रतिशत उत्तरदाताओं ने आवंटित भूमि को उपजाऊ बनाने के लिए सरकार से अधिक सहायता देने की बात की है क्योंकि ऊसर भूमि में पैदावार बढ़ाने के लिये जिप्सम व ढैंचा की आवश्यकता होती है, इसके साथ-2 सिंचाई की व्यवस्था करनी चाहिए क्योंकि आवन्टी अपने साधनों से सिंचाई व्यवस्था नहीं कर पाते हैं।

**सामान्यतः** आवंटित भूमि एक ही जगह न होकर अलग-2 स्थानों पर दी जाती है जिसमें खेती की देखभाल करने में अनेक कठिनाइयों का सामना करना पड़ता है इसलिए चयनित लगभग 27.0 प्रतिशत लाभार्थी आवंटित भूमि को एक ही जगह पर देने की बात करते हैं।

हमारे चयनित लाभार्थियों ने अवगत कराया कि जिस व्यक्ति को भी सीलिंग व ग्राम समाज की भूमि वितरित की जाती है उनसे 2500-5000 रुपये तक प्रधान व लेखपाल घूस

लेते हैं। इसके साथ—2 जमीन का उद्देश्य भूमि घूस की सीमा निर्भर करती है, और उद्देश्य का पूरा कब्जा न मिलना भी भ्रष्टाचार पर आधारित है हमारे लगभग 41.0 प्रतिशत उत्तरदाता भ्रष्टाचार पर रोक लगाने की बात करते हैं क्योंकि एक भूमिहीन व्यक्ति कर्ज लेकर घूस की आपूर्ति करता है।

हमारे अध्ययन के लगभग 18.0 प्रतिशत उत्तरदाता आवंटित भूमि को बेचने पर रोक लगाने की बात करते हैं। गांवों में उत्तरदाताओं से अवगत हुआ कि जहां एक ओर प्रधान अपने परिवार के सदस्यों के नाम भूमि आवंटन कर देता है वहीं दूसरी ओर लेखपाल द्वारा फर्जी नामों से भूमि आवंटन किया जाता है। लेखपाल व प्रधान फर्जी नाम से आवंटित भूमि को अपने लाभ के लिए धीरे—2 बेच देते हैं। इसके अलावा शादी—ब्याह, मादक पदार्थों का सेवन व बीमारी के कारण आवंटी जमीन को बेच देते हैं जिस पर रोक लगनी चाहिए।

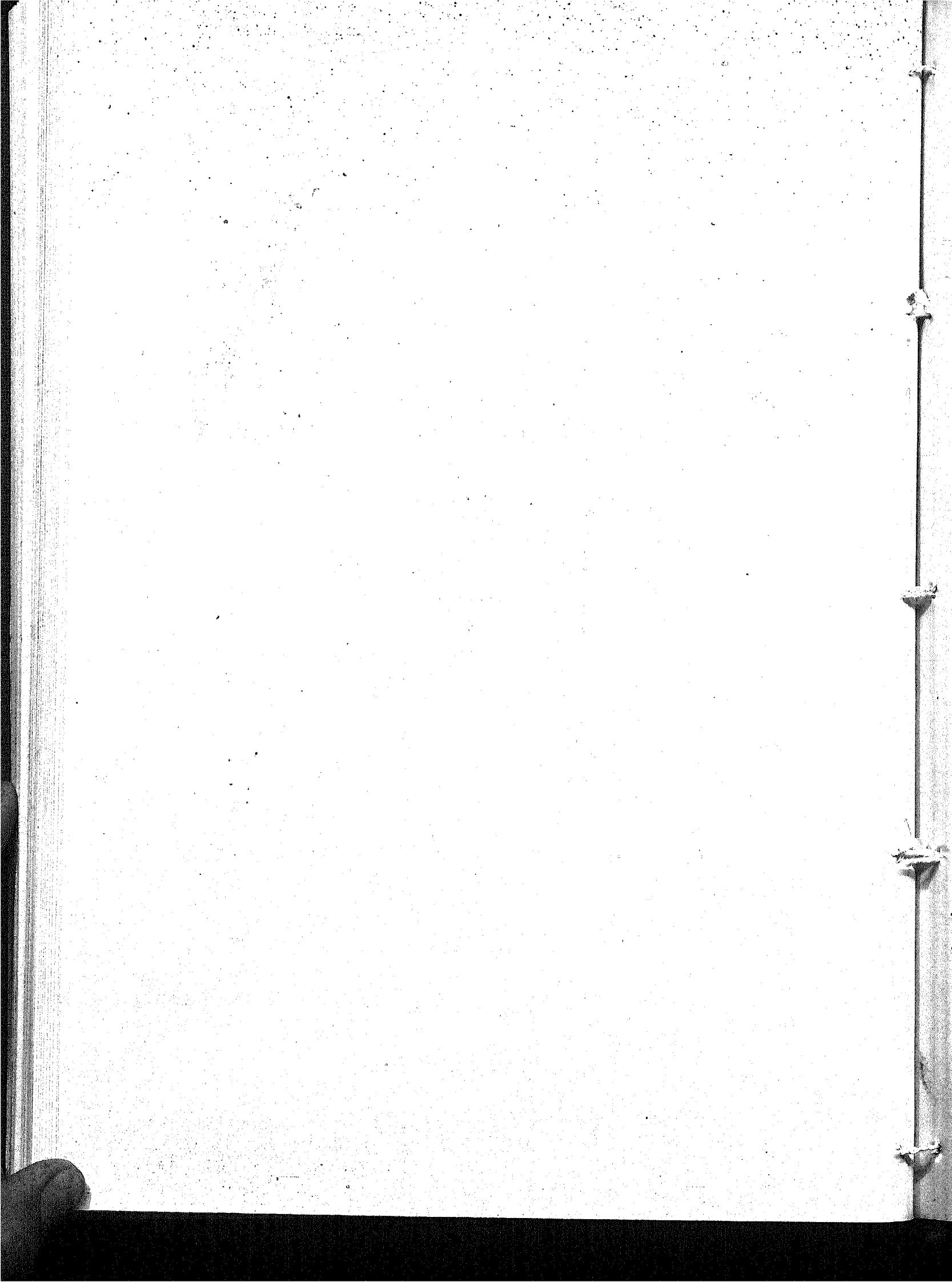
#### 14. निष्कर्ष एवं सुझाव :

भूख व गरीबी निवारण के लिए ग्रामीण अर्थव्यवस्था जिसमें भूमिहीन, सीमान्त व लघु कृषकों की बहुलता है उनको सामाजिक न्याय दिलाने के लिए उत्तर प्रदेश में भूमि सुधार कार्यक्रम एक कारगर हथियार रहा है। हमारे अध्ययन के अनुसार भी भूमि आवंटन के अनेक सकारात्मक प्रभाव पड़े हैं। जैसे एक ओर जहाँ अधिकतर लोगों को भूमि आवंटन का पट्टा समय से मिला, शुद्ध उत्पादन मूल्य में वृद्धि, लाभार्थी व उसके परिवार के सदस्यों के रोजगार दिवसों में वृद्धि, सामाजिक प्रतिष्ठा व आत्मविश्वास में वृद्धि, कर्ज लेने में आसानी, दबंगई कम होना, जानवरों का पालने में सहायता तथा बच्चों की शिक्षा व स्वास्थ्य में सुधार हुआ है वहीं दूसरी ओर भूमि आवंटन प्रक्रिया में कुछ त्रुटियां भी पायी गयी हैं। जैसे चयन प्रक्रिया में आवंटित भूमि पर भौतिक कब्जा समय से व पूरा कब्जा न मिलना, लवण्ययुक्त व उबड़—खाबड़ भूमि का आवंटन, कागजी कार्यवाही में दौड़ भाग, प्रशासनिक सहायता न मिलना, पुराने कब्जेदारों द्वारा प्रताड़ना, घूस की मांग, भूमि प्रबन्ध कमेटी द्वारा भेदभाव, तथा आवंटियों द्वारा आवंटित भूमि के कुछ भाग को बेचना आदि। कुल मिलाकर कुछ कमियां होने के बावजूद उत्तर प्रदेश में भूमि सुधार कार्यक्रम सफल रहा है। भूमि आवंटन प्रक्रिया में जो त्रुटियां रह गयी हैं उनको निम्नलिखित सुझावों के माध्यम से अधिक सुगम व सरल बनाया जा सकता है।

1. सामान्यतः आवंटियों को उबड़-खाज़, फूलसाना लवण्युक्त व बाढ़ प्रभावित भूमि का आवंटन किया जाता है जिसमें गरीब आवंटी द्वारा खेती करना मुश्किल होता है अतः गरीबों को कृषि हेतु विकसित भूमि का आवंटन करना चाहिए।
2. आवंटित भूमि में गांव के दबंगों व प्रभावशाली लोगों का कब्जा रहता है अतः इन लोगों के कब्जे से भूमि को छुड़ाकर भूमि का आवंटन होना चाहिए ताकि लाभार्थी अनावश्यक विवाद में न फंसे।
3. लाभार्थी को भूमि का आवंटन एक ही जगह पर होना चाहिए ताकि लाभार्थी फंसल की देखभाल ठीक से कर सके।
4. आवंटियों को आवंटन पट्टा व आवंटित भूमि में भौतिक कब्जा एक साथ मिलना चाहिए क्योंकि आवंटियों को पट्टा मिलने के बाद भी भौतिक कब्जा मिलने में काफी समय लगता है।
5. भूमि प्रबन्ध कमेटी भेदभाव न करे इसके लिए भूमि प्रबन्ध कमेटी में जिले व तहसील के बड़े अधिकारी को शामिल करना चाहिए ताकि फर्जी व अपात्र व्यक्तियों को भूमि आवंटन न हो सके।
6. सर्वेक्षण के समय ज्ञात हुआ कि प्रधान व लेखपाल द्वारा भूमि आवंटन के बदले धूस की मांग की जाती है। गरीब आवंटी कर्ज लेकर इसकी भरपाई करते हैं और आवंटी भूमि आवंटन से पूर्व कर्जदार बन जाता है। अतः भूमि आवंटन में पारदर्शिता होनी चाहिए।
7. लवण्युक्त आवंटित भूमि को उपजाऊ बनाने के लिए जिप्सम का निशुल्क वितरण और सिंचाई सुविधा उपलब्ध करानी चाहिए।
8. आवंटित भूमि को कुछ आवंटी बेच रहे हैं इस पर पूर्ण रोक लगानी चाहिए।
9. भूमि आवंटन के बाद तहसील स्तर के अधिकारी द्वारा अनुश्रवण/फौलोअप का कार्य करते रहना चाहिए ताकि गरीबों की आय व रोजगार में वृद्धि हेतु किये जा रहे भूमि सुधार कार्यक्रम के माध्यम से सामाजिक न्याय की कल्पना को साकार कर ग्रामीण क्षेत्र से हो रहे पलायन को रोका जा सके।

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## Land Reforms: The Next Step

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## Land Reforms: The Next Step

Kripa Shankar\*

That there is large concentration of land in U.P. despite various land reform measures will be evident from the fact that the land owned by top 1 per cent of the rural households is equal to the land owned by bottom fifty per cent of the households. In fact the land held by top 0.1 per cent of the households is almost one and a half times the land owned by bottom one-third of the households as per NSS 48<sup>th</sup> round (January-December 1992). This may be an under estimate as large landowners have considerable land as *benami*, which is not capturable in the NSS Survey. Irrigated land may be shown as unirrigated and good agricultural land may be shown as wasteland. Given the power equation on the rural areas and close nexus with the revenue bureaucracy the fraud cannot be unearthed. Land shown as distributed to poor under ceiling laws may actually be under the possession of the erstwhile owners. The author in his field survey of Hallia block in Mirzapur found that in the tribal belt where few big land owners own a very large portion of the land the owners continue to till the land which is otherwise shown in the *Khatauni* as to have been distributed to the beneficiaries. The latter may not even know where the ceiling surplus land lies which he can claim as his own. And even if the Lekhpal demarcates the land, the Government expects that the allottee who may in fact be a bonded labourer as also indebted one will one fine morning ask the landlord to get out of his allotted land and till the field with impunity braving the resistance of the landlord. This is like living in a fools paradise. No comprehensive survey has been made by any agency on this issue but the official data about distribution of ceiling surplus land is itself a dismal reading. According to Annual Report, Ministry of Rural Development, "since inception till September 2006, the total quantum of land declared surplus in the entire country is 68.73 lakh acres, out of which about 60.27 lakh acres have been taken possession of and 49 lakh acres have been distributed to 54.01 lakh beneficiaries..... An area of 8.44 lakh acres has been involved in litigation." In U.P. out of 369362 acres of land declared as surplus under ceiling laws, 339385 acres has been taken under possession out of which only 263225 acres has been distributed (Appendix Table XLVI, *Ibid*, p.255). The fact that only 70 per cent of the land declared as surplus could be distributed after nearly half a century since the initiation of ceiling measures speaks volumes about the 'success' of the ceiling measures. The land distributed constitutes slightly more than 1 per cent of the arable land. The culturable wasteland along with permanent fallow land in the country is of the order of nearly 4 hectares which is not at all being utilized.

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by the owners. In a situation of extreme landlessness such land could be a good distribution to the poor who then could get a source of livelihood and could put such land to some productive use with the application of family labour which is abundant with such households. There seems to be no intention on the part of the Government to move in this direction. Compare it with the ruthless manner in which Government is acquiring good agricultural land for SEZ where the industrialists will be exempted from paying any tax on the profits for a long period.<sup>1</sup>

The failure of ceiling measures has often been attributed to the lack of political will on the part of ruling classes which certainly is true. If the same ruling class is so unconcerned about implementing ceiling measures but is determined in a frantic manner to acquire land for SEZ to help the industrialists the answer lies in the class interest of the rulers in a globalising world where it can compete only on the basis of cheap labour. A very drastic programme of land redistribution will eventually impact on cheap labour supply. Likewise a massive outlay on rural public works and other employment generating programmes will also impact labour supply if large labour force finds employment in the rural areas itself.<sup>2</sup>

Be that as it may, the question of land reforms and land redistribution cannot be sidetracked in view of large concentration of land and its unutilisation by big landowners. It is well known that large landowners are unable to utilize their entire land because agriculture being a biological process requires adequate family labour to look after this activity. The large landowners have no extra family labour. Besides a new phenomenon has come to the surface. The younger generation of such prosperous landed households having acquired higher and mostly professional education is settling in urban areas where income generating avenues are higher. They are no longer willing to remain in the agricultural sector where incomes are either stagnating or declining.<sup>3</sup> NSS *Situation Assessment of Survey of Farmers Households* noted that a very large proportion of farmers are unwilling to remain in the agriculture and nearly half of farmers are indebted. The large land owners are compelled to lease out a fair part of their land and also keep their land fallow in large measures. This explains why 320 lakh hectares of land is in the shape of fallow land in the country. This constitutes nearly one-fourth of the net sown area. This is besides 135 lakh hectares of land which is in the shape of culturable waste land.

<sup>1</sup> Palanimidkham, S.L., Union State Minister for Finance told the Lok Sabha that the loss to the exchequer on account of concession to units in SEZ in the four years, i.e. 2006-07 to 2009-2010 is estimated to be Rs.104621 crore, Daily, *Jagaran*, December 1, 2007.

<sup>2</sup> It may not be out of place to mention that the outlay on much advertised National Rural Employment Guarantee Scheme in 2008-09 is slated at Rs.16,000 crore out of a total budgetary expenditure of Rs.750883 crore forming only 2 per cent of the total expenditure.

<sup>3</sup> According to NSS report on *Income Expenditure and Productive Assets of Farm Households* (59<sup>th</sup> Round, 2003), average annual income a farmhold from farming is Rs.11628. Even the households owning more than 10 hectares of land had an annual income of less than Rs.1 lakh from farming. Compare it with the average annual income of a public sector employee which is over Rs.3 lakh vide, *Economic Survey*, 2007-08, p.A-53.

In U.P. the cultivable land is of the order of 5 lakh hectares and fallow land is of the order of 166 lakh hectares.

The million dollar question is how this vast land can be optimally utilized? One answer can be that such land should be acquired without any compensation and be distributed among the poor as has been the case with ceiling surplus land. The experience is that such an attempt is hardly going to succeed on account of the clout of big landowners. A more feasible way to acquire land will be by paying the landowner the current market price of the land. If the owners who are unable to utilize the land and there is hardly anyone left in their household to continue with agriculture find that they are being offered market price for selling such land most of them will opt for this course. Their younger generation will all the more welcome it as they can utilize the money in their procession and business activity in the urban areas.<sup>4</sup>

If the Government acquires such land, the more inferior part of it can be reserved for plantation and afforestation which can augment fuel, fodder and wood supply. The rest can be distributed free among the poor. With a view to make it less costly the Government can sell such land to the poor for which banks should be asked to provide hassle free loans preferably at a much lower rate of interest. The banks can do so only when the Government guarantees such loan and gives them on interest subsidy to compensate the loss in interest. Suppose the bank are asked to provide land loan at 3 per cent rate of interest and their normal lending rate is 13 per cent then an interest subsidy of 10 per cent should be given to the banks. The Government has been guaranteeing the loans of some big entities and currently it is of the order of Rs.1 lakh crore. It can extend this favour to the poor as well who surprisingly have a better repayment record.<sup>5</sup>

Contrary to what was expected of the banks they are siphoning off rural savings to urban areas. Once the Government decides to guarantee the loans to the poor, the banks will have no difficulty in advancing loans to them not only for purchase of land but for other productive uses. The question of giving loans easily without any hassle assumes great importance as it is on account of the unwholesome practices of the banks that people prefer to borrow from private money lenders at exorbitant rate of interest rather than from banks. The World Bank study<sup>6</sup> has noted that in India banks deduct 10 to 20 per cent of the loan amount as bribe and generally take 3 weeks to process a loan. All this should change for adequate to flow bank finance to rural poor.

<sup>4</sup> All India Debt and Investment Survey, 1991-92 of the Reserve Bank of India has found that large land owners are making little capital investment in their farm business. Their preferred destination is investment in land and building in semi-urban and urban areas where return are much higher.

<sup>5</sup> The banks wrote off Rs.9424 crore as bad debt during 2006-07 all of which was owned by large borrowers. In fact 30 per cent of the bank credit goes to those who borrow more than Rs.25 crore. Rural areas account for only 10 per cent of the bank credit whereas nearly 70 per cent of all bank credit goes to 5 metropolitan cities, *Banking Statistics, 2003, RBI*.

<sup>6</sup> *The Rural Finance Access Survey: Sealing up Access to Finance for Rural Poor, World Bank, 2004.*

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In this connection the recommendation of Swaminathan Committee to extend the interest subsidy to farmers at 4 per cent rate of interest needs to be implemented. Obviously the banks can implement it only when the loss of interest is subsidized. Assuming an interest subsidy of 10 per cent the interest subsidy payable to banks on a loan amount of say Rs.50,000 crore will be Rs.5,000 crore. The annual subsidy on petrol and diesel is currently Rs.2 lakh crore which is enjoyed by better off sections. Every car owner enjoys an annual subsidy of Rs.10,000. Recently the Government waived farmers loan which will cost the exchequer Rs.70,000 crore. If the poor could have been provided with almost interest free loans not only the poor could have purchased land and other assets but many could have moved out of the crop production syndrome and moved to the animal husbandry and other non-agricultural activities in a big way. This would have lessened their need to lease-in land for share cropping which in turn would have forced the lessors to sell their excess land thereby increasing the access of poor to land provided bank finance is made available to them profusely and in hassle free manner. According to *All India Debt and Investment Survey* of RBI roughly 0.1 per cent of the agricultural land is sold in the country. The poor cannot purchase this land and is invariably purchased by better off sections of the rural population. Cheap and easy bank finance can enable the poor to be active players in the rural land market. If there is massive public investment in rural works along with other employment generating programmes in the rural areas the dependence of rural poor on land owners will decline for they will have jobs outside agricultural production. In that case the rural scenario will get transformed. The exist of a fair part of agricultural labours will create a situation where big landlords experiencing shortage of farm labourers as well as those who can lease-in their land will be forced to part with their land by selling to the relatively not so better off sections. This should be the direction of the next step in land redistribution.

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**Status Paper on  
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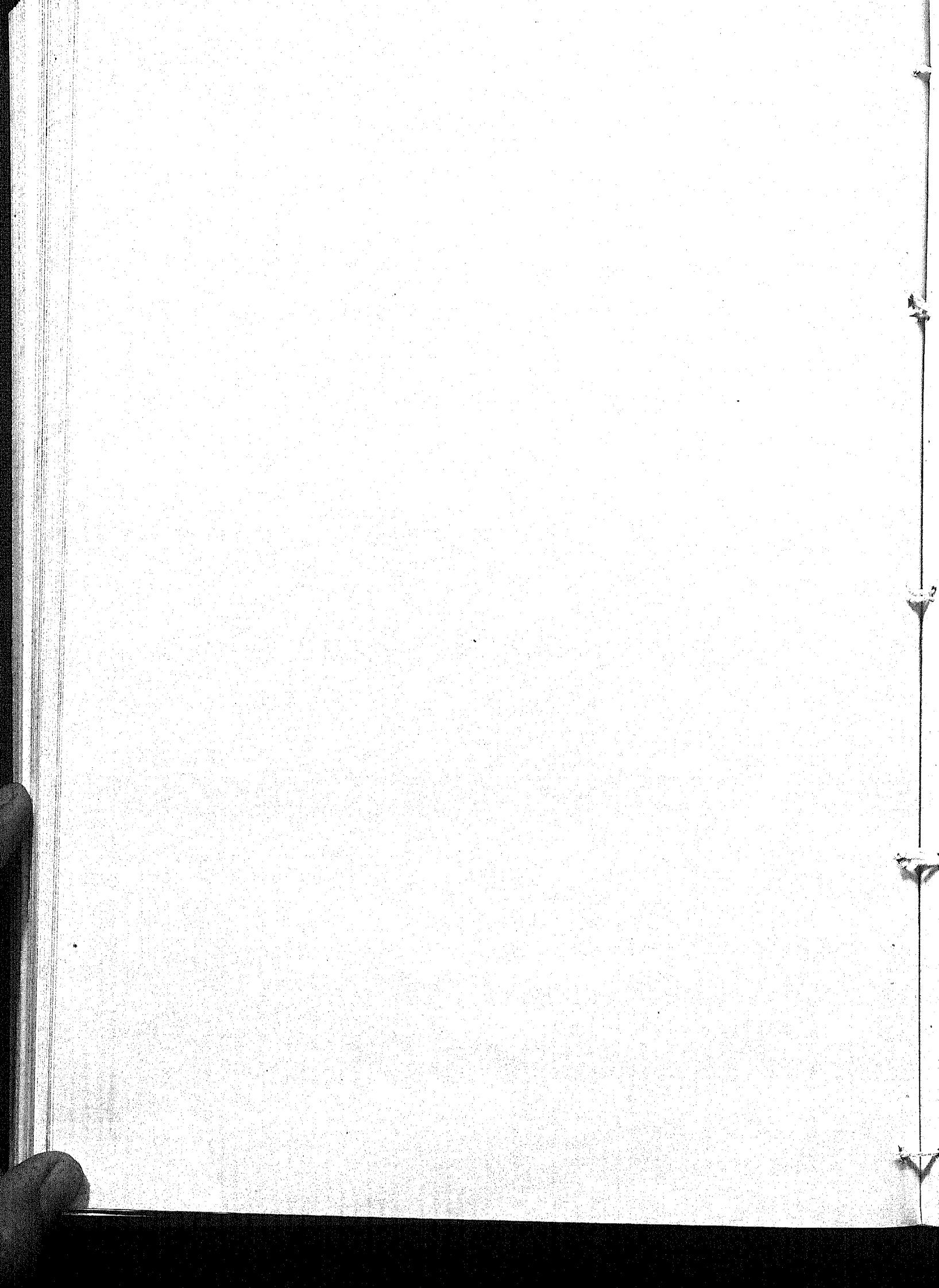
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## चकबन्दी कार्यक्रम—प्रगति के पथ पर अग्रसर

### चकबन्दी योजना का इतिहास

उत्तर प्रदेश में चकबन्दी योजना का प्रादुर्भाव सहकारी समितियों के माध्यम से सन् 1925-26 में हुआ था। वर्ष 1939 में संयुक्त प्रान्त जोत चकबन्दी अधिनियम पारित किया गया जिसमें ऐच्छिक चकबन्दी की व्यवस्था की गई थी। यह अधिनियम वर्ष 1940 में लागू हुआ परन्तु इसे जनता का अपेक्षित समर्थन प्राप्त नहीं हो सका। परिणामस्वरूप वर्ष 1947 में यह कार्यक्रम समाप्त कर दिया गया। इस अधिनियम के अन्तर्गत वर्ष 1940 से 1947 तक की अवधि में 6004 ग्रामों के 1,86,000 हेक्टेयर क्षेत्रफल पर चकबन्दी कार्य पूर्ण कराया गया परन्तु इस प्रकार की ऐच्छिक चकबन्दी योजना की गुणवत्ता एक निश्चित सीमा तक ही थी जिसके कारण अग्रेतर चकबन्दी की आवश्यकता बनी रही। वर्ष 1952 में जमींदारी उन्मूलन के पश्चात प्रदेश में चकबन्दी के कार्य में शीघ्रता लाने के उद्देश्य से इस निमित्त एक समिति बनाई गई। समिति की संस्तुति के आधार पर उ०प्र० जोत चकबन्दी अधिनियम 1953 पारित किया गया जिसमें अनिवार्य चकबन्दी का प्राविधान किया गया। प्रख्यापन के पश्चात प्रयोगात्मक रूप से वर्ष 1954 में मुजफ्फरनगर जिले की कैराना तहसील तथा जनपद सुल्तानपुर के मुसाफिरखाना तहसील में चकबन्दी कार्य प्रारम्भ किया गया। इसके पश्चात अन्य जनपदों में भी योजना का प्रसार शानैः शानैः किया गया।

### उ०प्र० जोत चकबन्दी अधिनियम 1953

इस अधिनियम के अन्तर्गत कुल 54 धाराएँ हैं। इन धाराओं के अनुसार चकबन्दी कार्यवाहियों को सम्पादित करने हेतु उ०प्र० जोत चकबन्दी नियमावली वर्ष 1954 में प्रख्यापित की गई जिसमें कुल 118 नियम हैं।

### चकबन्दी योजना का स्वरूप

#### (1) चकबन्दी योजना में प्रारम्भिक कार्यवाही

उ०प्र० जोत चकबन्दी अधिनियम की धारा-4(1) के अन्तर्गत किसी तहसील को चकबन्दी योजना में लिये जाने सम्बन्धी विज्ञप्ति जारी होने के पश्चात उस तहसील के ग्रामों में चकबन्दी का कार्य प्रारम्भ किया जाता है जिसके लिये

धारा-4(2) की विज्ञप्ति जारी की जाती है। ग्राम में धारा-4 के प्रकाशन के पश्चात भूमि प्रबन्धक के समिति के सदस्यों में से चुनाव कर चकबन्दी समिति का गठन किया जाता है जिनके सहयोग व परामर्श के आधार पर चकबन्दी के हर स्तर का कार्य ग्राम में किया जाता है।

### **(2) भू-अभिलेखों का शुद्धीकरण**

किसी ग्राम को चकबन्दी में लिये जाने के पश्चात भू-राजस्व अभिलेखों के रख-रखाव का उत्तरदायित्व जिलाधिकारी, जो जिला उप संचालक चकबन्दी भी होते हैं, के निर्देशन में चकबन्दी प्राधिकारियों पर आ जाता है। तहसील से अधिकार अभिलेख के रूप में प्राप्त खतौनी को आधार वर्ष खतौनी कहा जाता है। आधार वर्ष खतौनी की प्रविष्टियों को ग्राम में पढ़कर सुनाया जाता है तथा त्रुटियों को विवादों के रूप में अंकित कर उसका निरस्तारण सहायक चकबन्दी अधिकारी द्वारा समझौते के आधार पर किया जाता है। इस प्रकार से निरस्तारण न होने पर पत्रावली चकबन्दी अधिकारी के न्यायालय को सन्दर्भित की जाती है। चकबन्दी अधिकारी के निर्णय से क्षुब्ध पक्ष बन्दोबस्त अधिकारी चकबन्दी के न्यायालय में अपील व तदोपरान्त उप संचालक चकबन्दी के न्यायालय में निगरानी कर सकते हैं। इस प्रकार से पारित आदेशों की आधार वर्ष खतौनी में अमलदरामद के पश्चात शुद्ध अभिलेख तैयार किये जाते हैं।

### **(3) चक निर्माण कार्य**

भूखण्डों की भौगोलिक दृष्टि के आधार पर उसका विनिमय अनुपात निर्धारित किया जाता है तथा इसके अनुसार किसी कृषक की सम्पूर्ण भूमि का मूल्यांकन निश्चित किया जाता है। इसी मूल्यांकन में से कुछ भूमि कटौती के आधार पर सार्वजनिक हित के प्रयोजनों हेतु सुरक्षित की जाती है जिनमें सामान्य आबादी, अनुसूचित जाति हेतु आबादी, खेल के मैदान, पंचायत घर आदि प्रयोजन प्रमुख हैं। इसके अतिरिक्त सेक्टर रोड, चक रोड व नाली आदि प्रदान करने के लिये भी इस कटौती का प्रयोग किया जाता है। इसके पश्चात ग्राम में सेक्टर का निर्माण करते हुये सहायक चकबन्दी अधिकारी द्वारा ग्राम के इन सेक्टरों में चक निर्माण का कार्य प्रारम्भ किया जाता है तथा प्रत्येक चक को चकरोड व नाली से जोड़ा जाता है। इस प्रकार

से निर्मित चकों पर कृषकों को यदि कोई आपत्ति हो तो क्रमशः चकबन्दी अधिकारी, बन्दोबस्त अधिकारी चकबन्दी व उप संचालक चकबन्दी द्वारा निराकरण करते हुये अंततः पूर्णरूप से संशोधित (पुष्टीकृत) चकों पर कृषकों को कब्जा दिलाया जाता है। इन चकों की प्रविष्टियां जोत चकबन्दी आकार पत्र-23 भाग-1 में अंकित की जाती हैं।

#### (4) अन्तिम अभिलेख की तैयारी

जो चकबन्दी आकार पत्र-23 भाग-1 के आधार पर चकबन्दी के अन्तिम अधिकार अभिलेख जोत चकबन्दी आकार पत्र-45 में बनाये जाते हैं जिसे बन्दोबस्त भी कहा जाता है। इसके साथ ही नये नक्शों का भी निर्माण किया जाता है। अन्त में ग्राम में जोत चकबन्दी अधिनियम की धारा-52 के अन्तर्गत विज्ञप्ति जारी कर चकबन्दी कार्यवाहियां समाप्त कर दी जाती हैं।

#### चकबन्दी योजना का मूल्यांकन

चकबन्दी कार्यों व उसके प्रभाव, ग्राम्य विकास, कृषि उत्पादन में वृद्धि, कृषकों की आर्थिक दशा सुधारने के सम्बन्ध में इससे होने वाले लाभों आदि कतिपय बिन्दुओं के सम्बन्ध में समय-समय पर कई संस्थानों द्वारा अध्ययन व मूल्यांकन कराया गया जिससे यह तथ्य प्रकाश में आया कि चकबन्दी योजना के कारण ग्रामों का बहुमुखी विकास हुआ है तथा कृषक जनता इससे लाभान्वित हुई। भारत सरकार के ग्राम्य विकास मंत्रालय के तत्वाधान में राष्ट्र मण्डल देशों की एक कार्यशाला वर्ष 1983 में आयोजित की गई जिसमें गाजियाबाद के ग्राम शहाबुद्दीनपुर में चकबन्दी कार्यों का निरीक्षण करने पर निम्न तथ्य प्रकाश में आये—

#### (1) सार्वजनिक प्रयोजनों हेतु सुरक्षित भूमि का विवरण

चकबन्दी योजना के पूर्व क्षेत्रफल (एकड़ में)	0.34 एकड़
चकबन्दी योजना में आरक्षित क्षेत्रफल (एकड़ में)	37.80 एकड़

(2) चकबन्दी योजना के परिणाम स्वरूप बिखरे हुये जोतों की एक स्थान पर संहत

चकबन्दी से पूर्व जोतों के दो या अधिक स्थानों पर 79 प्रतिशत बिखराव के फलस्वरूप एक स्थान पर संहत होने का प्रतिशत

चकबन्दी के पश्चात एक स्थान पर जोतों के संहत होने का प्रतिशत

21 प्रतिशत

91 प्रतिशत

(3) चकबन्दी योजना के परिणाम स्वरूप ग्रामीण विकास का विवरण

क्रम सं०	वस्तु का नाम	चकबन्दी के पूर्व की संख्या	चकबन्दी के बाद की संख्या
1.	ट्रैक्टर	7	23
2.	ट्यूबवेल	40	115
3.	पमिंग सेट	2	10
4.	थ्रेसर	17	45

(4) चकबन्दी योजना के पूर्व तथा पश्चात कृषि उत्पादन

क्रम सं०	फसल का नाम	चकबन्दी के पूर्व पैदावार (प्रति एकड़ी की मात्रा)	चकबन्दी के बाद पैदावार (प्रति एकड़ी की मात्रा)	बढ़ोत्तरी का प्रतिशत
1.	ईख	150 कुन्तल	300 कुन्तल	100%
2.	गेहूँ	10 कुन्तल	15 कुन्तल	50%
3.	आलू	120 कुन्तल	160 कुन्तल	33%
4.	मक्का	8 कुन्तल	10 कुन्तल	25%

चकबन्दी प्रक्रियान्तर्गत प्रथम चक्र व द्वितीय चक्र में लिये गये ग्रामों में कार्य की स्थिति का विवरण (दिनांक 01-04-08 की स्थिति)

प्रथम चक्र

1.	प्रथम चक्र में लिये गये ग्राम	—	100500
2.	प्रथम चक्र में पूर्ण किये गये ग्राम	—	98696
3.	प्रथम चक्र के अवशेष	—	1804

## द्वितीय चक्र

1.	द्वितीय चक्र में लिये गये ग्राम	-	24808
2.	द्वितीय चक्र में पूर्ण किये गये ग्राम	-	21019
3.	द्वितीय चक्र के अवशेष	-	3789

## वर्तमान में लम्बित ग्राम

1.	प्रथम चक्र	-	1804	क्षेत्रफल 1700042 एकड़
2.	द्वितीय चक्र	-	3789	क्षेत्रफल 2276297 एकड़
	योग	-	5593	क्षेत्रफल 3976339 एकड़

## चकबन्दी योजना का प्रभाव एवं लाभ

प्रदेश के पूर्वी क्षेत्र में संचालित चकबन्दी कार्यक्रम के प्रभाव का अध्ययन राज्य योजना संस्थान मूल्यांकन प्रभाग द्वारा वर्ष 1989-90 में किया गया तथा पश्चिमी क्षेत्र में संचालित चकबन्दी कार्यक्रम का अध्ययन मूल्यांकन वर्ष 1990-91 में किया गया। इन अध्ययनों से ज्ञात हुआ कि चकबन्दी कार्यक्रम के अन्तर्गत बिखरी हुई जोतों को संहत कर देने से चकों की संख्या में कमी हुई है, फलस्वरूप भूमि विकास तथा फसलोत्पादन में सुविधा हो जाने से कृषि उत्पादन में भी वृद्धि हुई है। उपरोक्त अध्ययन के मुख्य निष्कर्ष निम्नवत् हैं—

- (1) बिखरी जोतों को संहत कर लेने से चकों की संख्या में कमी के साथ भू-वादों में भी कमी हुई है, फलस्वरूप भूमि विकास तथा फसलोत्पादन में सुविधा के साथ-साथ कृषि उत्पादन में वृद्धि हुई है।
- (2) प्रथम चक्र की चकबन्दी के उपरान्त चकों की संख्या में औसतन 47 प्रतिशत और द्वितीय चक्र के उपरान्त 42 प्रतिशत की कमी हुई है।
- (3) भू-वादों में अत्याधिक कमी हुई है।
- (4) चकबन्दी के उपरान्त कृषि यन्त्रों के उपयोग में वृद्धि हुई है।

(5) कार्यक्रम के कार्यान्वयन से सार्वजनिक प्रयोजनों विशेषतः आवागमन, सिंचाई सुविधा के उपयोग तथा ग्राम्य विकास की स्थिति में सुधार हुआ है।

(6) चक मार्ग, मुख्य मार्ग तथा अन्य विकासीय कार्यों के लिये भूमि आरक्षित कर देने से कृषकों को कृषि विकास सम्बन्धी कार्यों के नियोजित ढंग से कार्यान्वयन में सुविधा हुई है जिससे ग्राम्य विकास की स्थिति में सुधार हुआ है।

उपरोक्त अध्ययन के आधार पर चकबन्दी योजना के लाभों एवं उपलब्धियों को निम्न श्रेणी में बांटा जा सकता है—

#### (1) भूमि सुधार

कृषकों की बिखरी हुई जोत एक स्थान पर संहत हो जाने के कारण वह वहां पर दयूबवेल आदि लगा सकता है तथा यदि भूमि ऊसर है तो भी भूमि संरक्षण विभाग की मदद से खराब श्रेणी की भूमि उच्च कोटि की बनाकर अधिक फसल उत्पन्न कर सकता है।

#### (2) कृषि उत्पादन

कई जगहों पर बिखरी जोतों पर कृषि उत्पादन की तुलना में एक जगह पर संहत जोत पर कृषि उत्पादन अवश्य अधिक होगा। प्रत्येक चक को चकरोड़ व नाली प्रदत्त होने से खेत पर पहुँचना आसान हो जाता है साथ ही नाली से सिंचाई सुविधा प्राप्त होने से भी कृषि उत्पादन बढ़ता है।

#### (3) आर्थिक

चकबन्दी योजना के कार्यान्वयन के फलस्वरूप जोतों के संहत हो जाने से कृषि उत्पादन बढ़ेगा, परिणामस्वरूप आर्थिक लाभ भी होगा।

#### (4) सामाजिक

जैसा कि पहले कहा जा चुका है, चकबन्दी के पश्चात भू-विवादों में कार्फी कमी आ जाती है तथा भूमि सम्बन्धी झगड़े न होने से कानून व्यवस्था तो सुधरती ही है, साथ ही आपस में सौहांद बढ़ने से सामाजिक तानाबाना भी सुदृढ़ होता है।

सार्वजनिक प्रयोजन हेतु चकबन्दी में आरक्षित भूमि का प्रयोग भूमि हीन, निर्बल व दलित वर्ग को आबादी प्रदान करने के साथ ही अन्य सार्वजनिक प्रयोजन जैसे- पंचायत घर, खेल का मैदान, खाद का गड्ढे, स्कूल, अस्पताल आदि का निर्माण कराने में किया जाता है। इस प्रकार से आरक्षित भूमि कृषकों की भूमि में से ही कटौती कर प्राप्त की जाती है। यदि यह क्षेत्रफल चकबन्दी द्वारा उपलब्ध न कराया जाता तो सरकार को लगभग रुपया 20,000-00 प्रति एकड़ की दर से करोड़ों रुपये खर्च कर सार्वजनिक प्रयोजन निर्मित भूमि अधिग्रहीत करनी पड़ती। इसके अतिरिक्त चकबन्दी कर्मचारियों का सहयोग परिवार कल्याण कार्यक्रम में भी लिया जाता रहा है।

### (5) वातावरण पर प्रभाव

चकबन्दी विभाग द्वारा वृक्षोरापण हेतु भूमि भी आरक्षित की जाती है जिस पर वृक्षारोपण के फलस्वरूप दूषित वायु को निष्कासित कर पर्यावरण को शुद्ध बनाने में मदद मिलती है।

### चकबन्दी योजना के अन्य बिन्दु

इस योजना के अन्तर्गत संयुक्त खातों के अनिवार्य विभाजन के फलस्वरूप कृषि जोतों/खातेदारों की संख्या में लगभग 56 प्रतिशत और खाते में लगभग 60 प्रतिशत की वृद्धि हुई है। हमारी सामाजिक व्यवस्था मूलतः संयुक्त परिवार व सह-स्वामित्वं पर आधारित है। ऐसी स्थिति में विभाजन के कारण जोतों के छोटा हो जाने का प्रभाव कृषि पर भी पड़ेगा परन्तु यह हानि चकबन्दी से होने वाले लाभ की तुलना में नगण्य है। यहां यह भी उल्लेखनीय है कि जमींदारी विनाश अधिनियम में संयुक्त खातों के विभाजन का प्राविधान है। यदि चकबन्दी के दौरान यह विभाजन न किया जाय तो कृषकों को अनावश्यक न्यायिक प्रक्रिया में उलझना पड़ेगा।

चकबन्दी योजना के उद्देश्य बहुत ठोस एवं सारगर्भित है। चकबन्दी कार्यक्रम के क्रियान्वयन के फलस्वरूप भूमि सुधार होकर कृषि उत्पादन बढ़ा है, साथ ही भू-वादों में कमी होने के कारण न केवल कानून व्यवस्था सुधरी है अपितु आपरी सौहार्द भी बढ़ा है। बदलते परिप्रेक्ष्य में जब राष्ट्र प्रगति के पथ पर अग्रसर है, चकबन्दी योजना तथा उसके लाभों को नकारा नहीं जा सकता है।